

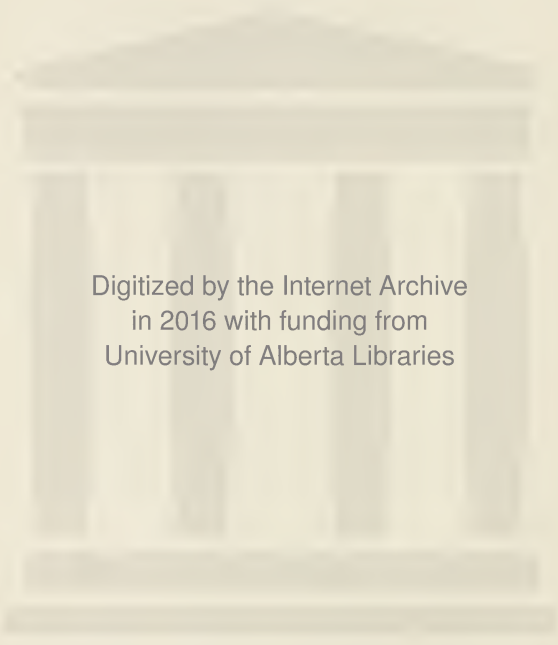
Canadian Democracy

... In Action

by George W. Brown

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CANADIAN DEMOCRACY IN ACTION

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PREFACE

"A people may prefer a free government but if, from indolence, or carelessness, or cowardice, or want of public spirit, they are unequal to the exertions necessary for preserving it . . . they are unlikely long to enjoy it."

—JOHN STUART MILL.

The greatest danger which faces democratic government in the modern world is that the peoples of the democracies themselves may not understand their own institutions. This has always been true, but today the problems of government are not only national, provincial, and municipal; they are international. As the range of democratic government widens the need for an understanding of its aims and principles becomes more pressing. It is with the hope of making some contribution to this understanding in Canada that this book has been written.

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CHAPTER I

DEMOCRACY AND FREEDOM

Do people really get the kind of government they deserve? It is often said that they do, but at first sight this seems hard to believe. Surely the millions of people who have been held down by dictators and armed force did not deserve that kind of government. In our own day we have seen countries overrun, people deprived of their freedom, and governments kept in power by the machine gun, the concentration camp, and secret police. Tens of thousands of those who have been brought under the power of dictatorships did not want to lose their freedom. And yet the fact remains that many, even of them, did not raise a finger of resistance in defence of their democratic rights. Many others even welcomed the rise of the police state, which promised them security, efficiency, and strong government. Germany, Hitler boasted, would be unconquerable under a Nazi system; and so, with these false promises ringing in their ears, the German people in 1933 voted him into power, only to have him destroy the German Republic, and establish the Nazi dictatorship which brought Germany down into ruinous defeat in the Second World War.

In the face of boasts and threats such as those of Hitler, the democracies were by no means sure of themselves. In the 1930's they, too, were facing a world depression with rampant unemployment and discontent, and problems which seemed impossible of solution. In place of action there was too often merely discussion, argument, and endless debate. People got tired of talk, they began to lose faith in parliaments, parties, and elections, and to doubt whether democratic institutions would work in the twentieth-century world.

These institutions have worked, however, through the crisis

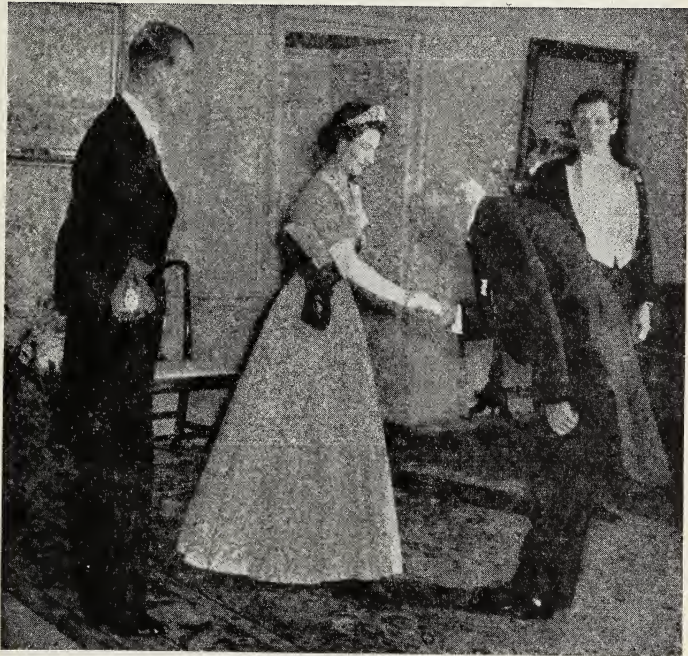
of the Second World War and the uncertainties of the post-war years. In fact, when we look back at the record of the democracies through the twentieth century we may well be astonished. In Britain and the other countries of the Commonwealth, in the United States, in the Scandinavian and other countries in various parts of the world, democratic forms of government have survived in spite of two World Wars, the great depression of the 1930's, and many other difficulties. Other governments have been overthrown, while democratic governments with all their imperfections have shown that they could pass peacefully through changes which elsewhere brought violence, revolution, and bloodshed. No form of government has indeed ever shown itself more strong and flexible than the democratic form of government in the twentieth century, and this is the answer to the old argument that people cannot learn to govern themselves.

Democracy lives, however, not in governments, but in the minds and hearts of people—and it is this which gives it both its strength and its weakness. Indifference and apathy are its greatest enemies. If people will not trouble to understand it, if they will not believe in it, they are opening the gates to those who would destroy it. But if, on the other hand, they do try to understand how it works, if they give it their loyalty and devotion, they become part of that bulwark of good citizenship, which is the strongest defence in the long run that any democratic country can have.

What Are Democracy and Freedom? Democracy has many definitions—rule by the people, majority rule, free government, and so forth; but none of them is perfectly satisfactory. Certainly democracy is not merely majority rule. Hitler boasted that he had a majority of the German people behind him, and probably he did. But such a majority rule is a perversion of democracy. In a true democracy the majority must not use its power as a steam roller riding ruthlessly over the interests and feelings of the minority; while, at the same time, the minority has an equal obligation to respect and co-operate with

the majority. Whatever democracy is, it is not government by brute force but by persuasion. It is a sense of fair play, of justice and sportsmanship in the highest sense of that term.

Freedom is linked so closely with democracy that we cannot



PRIME MINISTER GREETS PRINCESS

(AP Wirephoto)

At left is her husband, the Duke of Edinburgh.

have one without the other. But what is freedom? There is certainly no freedom where people are held down by secret police and dare not express their opinions for fear of punishment. In twentieth-century dictatorships, people are growing up who scarcely dare even to think thoughts critical of their government, because they have been trained since early childhood

in only one way of thought, so that finally they will believe only those things which their rulers tell them. But, at the other extreme, if there were no rules, we would have chaos and not freedom. If we had no traffic rules on our busiest streets, for example, and people drove and walked wildly about in any way they pleased, no one could get anywhere without fighting his way through a mob. Anarchy is not freedom, it is the exact opposite. To have freedom we must have laws, but not laws which bind us into a strait jacket, only the laws that are necessary to citizens in a free society.

Can Democracy and Freedom Be Preserved in the Modern World? The people of the dictatorships are not the only ones who have doubted this. The world is changing with breathless speed. With its aeroplanes, radio, television, vast industries, and enormous cities, it is becoming a machine in which people seem to be driven around like helpless cogs whether they like it or not. This is the greatest danger that democracy faces. In such a world many people want to be told what to do, which is precisely what happened in Germany and Russia. Another great danger today is fear. Fear of attack from outside has played a large part in Russian history, and when people are afraid they may be willing to abandon any ideas of personal liberty. Fear of our own weakness in the face of internal or external threats could lead, if we are not watchful, to some form of dictatorship in the western democracies. Dictators and those seeking power have at their command all the resources of modern science. Radio and the press in the wrong hands can persuade people to give up democracy for some false promise of security against threats which can really be met only by the practice of truly democratic ideals. Modern weapons give enormous power to those who wish to use them for their own ends. Having seen dictatorships rise in other countries, we should be foolish to say "it can't happen here." As Lincoln said: "The price of liberty is eternal vigilance," and liberty is our most precious possession. So, then, should vigilance be our constant care.

But if modern science puts instruments into the hands of dictators, it puts them also into the hands of democracies. These instruments can be used for the preservation and advancement of democracy no less than for its destruction. Neither do we need to be overwhelmed by the fear that the world is becoming too complicated and machine-like for democracy. There is no proof whatever that people are incapable of controlling the things which they create. For centuries men have been creating things which they have had the choice of using wisely or unwisely.

The truth is that the democracies are facing a very old problem in its twentieth-century form, and the question as to how science and machines are to be used depends, as it always has, not on the machines but on the people who use them. The qualities which democracy needs are not new, they are old and well-tried. Democracy must have people who understand and believe in its principles and are determined to preserve them, for it will not last by itself or by wishful thinking. Democracy must have people who are determined to work together, who have convictions of their own but are willing to respect and co-operate with those with whom they disagree. Democracy must have educated and thinking people, people who believe not merely in preserving their rights but in shouldering their share of responsibilities, people of self-discipline and community spirit.

Dictatorships draw their strength from brute force and the power of speedy action, and most of all from the rigid but subtle thought-control which they have perfected. Their power may work through a network of propaganda which spreads far beyond their national boundaries. Against these totalitarian methods democracies can set freedom of thought and speech and publication as a sure defence. They may say with Voltaire: "I do not agree with what you say, but I will defend to the death your right to say it." By upholding such principles democracies remain flexible. Dictatorships, bound and fettered to a system by the ruthless crushing of opposition, will harden and become brittle with time. Such violent

methods as they employ, both physical and mental, breed only further violence and, in the end, bring about their overthrow. Democracies have within themselves the means of ensuring their own improvement just because they do permit differences of opinion. And this is their strength—not the authority which springs from the will of a dictator, but the spirit of free people who realize that, even though they cannot reach the ideal of a perfect democracy, they can only really fail if they cease striving to achieve that ideal.

CHAPTER II

THE DEMOCRATIC CITIZEN AND HIS GOVERNMENT

Mr. X, a Canadian citizen, was sitting at breakfast reading his morning paper. "You know," he said, "I think the government is wrong about that. What they did last year was all right, but I don't like this new proposal. I shall write to our M.P. about it, and I'm sure many other people will do the same."

"You ought to raise this question at your women's organization," he went on, looking at Mrs. X. "The government should know what the women are thinking about it."

"Father," said Jimmy, who wasn't thinking of politics. "What about my joining that new club for boys that is being formed?"

"Well," said his father, "you ought to do what you think best. If you prefer to remain in the one at the church, you should. There is no compulsion in these matters. By the way," he went on, "don't you think we could get some different radio programmes? Have you had any luck with the short wave lately?" "I got a Mexican station last time I tried," said Jimmy, "and I even got Paris one night, but all I heard was a French band. I guess I could get any station in the world if reception was good enough."

Mr. X got up to put on his coat. "I believe," he said, thinking of his newspaper again, "I'll write a letter to the newspaper as well as to our member. The more public discussion there is about that matter the better."

"Well," thought Mrs. X, as father disappeared around the corner and as the children dashed out to school, "I wonder if that kind of conversation could have taken place at a breakfast table in Hitler's Germany." She knew that the answer was "No," though no one in the family had spoken about it.

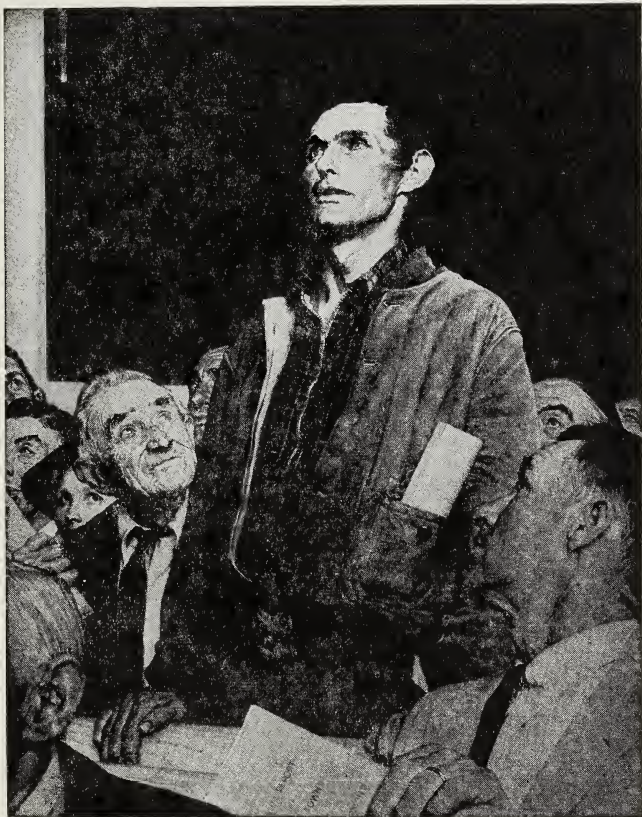
The fact was that Mr. X's family were enjoying a freedom which would be impossible in a totalitarian country. A conversation like theirs would have been a crime. It would have made them liable to several charges of the most serious kind, even treason punishable by death.

It is hard for us to understand exactly what this means because we are so accustomed to living in a democratic country that we take for granted things in our daily lives that would be completely different if we lived in a dictatorship. Every time we say what we like or dislike, every time we choose a book to read, every time we go to church, or turn the dial to a foreign radio station, or write a letter to a newspaper, we are doing something that might get us into serious trouble in a totalitarian state. We should certainly be resentful and angry if we were ordered to go to political meetings and were guilty of a crime in refusing to attend, if children were instructed to spy on their parents, if our letters were opened without our permission unless for necessities of war censorship, if our telephone conversations were listened to secretly, if we were forbidden to make friends with certain people. Yet all these things have been part of every-day life in totalitarian countries, and the only reason they do not happen in democratic countries is because the people do not want them to happen and have the power to prevent them.

There is no difference between the democracies and the totalitarian countries so great, or so important, as the relation of the citizen to his government. In the democracies we believe that the state exists for the citizens, not, as dictators tell their people, the citizens for the state. This is true of citizens young and old, of those in school as well as their parents. At the very basis of our democratic government, therefore, are certain rights and liberties, "civil liberties" they are often called, which we shall enjoy so long as we value them enough to preserve them. Each has a long and fascinating history, sometimes stretching back for centuries, and hundreds of men and women, many of them famous, played a part in winning them. We can do no more than suggest them here.

Our Civil Liberties

Freedom of Speech and of the Press. Three hundred years ago in November, 1644, John Milton, the great English Puritan



(From the painting by Norman Rockwell)

FREEDOM OF SPEECH

The artist has here strikingly symbolized the right of citizens in a democracy to meet together and speak freely.

poet, published in his pamphlet *Areopagitica* the noblest defence of freedom of speech and freedom of the press in the English language. Of all liberties, Milton wrote, "give me the liberty to know, to utter, and to argue freely according to conscience." The right for which Milton argued was not fully recognized in his lifetime, but in 1695 the British Parliament took the important step of refusing to renew the "Licensing Act" which had kept all printing and publishing under government control. There were many later disputes and incidents, but after 1695 the general principle was recognized in England that people should have freedom to speak and write what they pleased, and from England that principle has spread to other countries, including Canada.

Those who write and speak have one restriction, — they may be prosecuted or sued in the courts if their words are thought to be libellous, slanderous, seditious, or blasphemous. Exactly what a court or jury will decide to be libel, slander, sedition, or blasphemy, is not easy to say, but the ordinary meanings of these words as found in a dictionary are clear enough. One of the most striking symbols and illustrations of free speech is the famous Hyde Park in London, England, where dozens of speakers come to air their views on almost everything under the sun. There one may see speakers engaged in terrific verbal duels trying to shout each other down, or a London "Bobby" listening with others to a violent denunciation of government, with which he would interfere only if a fight or riot were started.

Freedom of speech and of the press in wartime is a special problem. Obviously things must not be said or written which will aid the enemy, and democratic countries establish a government censorship in war which is removed with the return of peace. But even in war this censorship is very different from that in dictatorships. Democratic governments send out instructions to publishers, but they also send out suggestions and requests, and they rely even more on the judgment, good sense, and co-operation of writers and publishers than they do on orders. In other words, in a democratic country

the government should, and must, if we are to preserve democracy, rely on the self-discipline and intelligence of the citizens.

Freedom of Assembly. The right of citizens to hold public meetings dates back as far as Henry VII's reign at the end of the fifteenth century, although it was often in question after that time. An unlawful assembly is one where people meet with intent to commit a crime or a breach of the peace, and meetings for the purpose of practising military movements are forbidden unless under the authority of government. This is to prevent the kind of thing that happened in Germany, where Hitler's Nazi party created a private army with uniforms and weapons, the Brown Shirts, through which it terrified its opponents and rose to power. Free discussion must, however, be encouraged in a democracy and any interference with public meetings for that purpose can be justified only by the most serious reasons.

Freedom for the artist and the musician must also be coupled with freedom of speech. In the dictatorships art and music were brought under the government's control and used as instruments of propaganda.

The Right of Petition. This right of citizens to sign petitions protesting against grievances goes back even further than the right of assembly. It was recognized as early as Magna Carta in 1215, but not fully accepted until the famous case of the Seven Bishops at the time of the Revolution of 1688. They were imprisoned and tried for sedition because they had sent a protest to James II but were acquitted, and in the Bill of Rights of 1689 it was stated that "it is the right of subjects to petition the king," and all imprisonments and prosecutions for such petitioning are illegal. The right of petition is, perhaps, not so important as it was before the system of parliamentary government was fully developed, but it still should be numbered among our civil liberties.

Freedom of Worship. The right of citizens to worship "each according to the dictates of his own conscience" was a right so commonly accepted by the twentieth century, at least in

theory, in countries which made any claims of advancement, that most people thought it would never be denied. Recent years, however, have brought a startling change. In Germany Hitler destroyed freedom of worship by every means at his command—by persecution, the concentration camp, and even death itself. Once more freedom of worship, so dearly won



(From the painting by Norman Rockwell)

FREEDOM OF WORSHIP

in the past, has become one of the most important freedoms in the modern world.

The history of religious liberty stretches back over centuries in many lands. There has been no other freedom for which men were more willing to hazard their lives. In countries which denied freedom of worship, it was always argued that uniformity in religion was necessary to the safety of the state. In England freedom of worship was not accepted until the Toleration Act of 1689. In Canada it is interesting to note that at the end of the Seven Years' War, with the conquest of New France, the inhabitants were promised "the free exercise" of their religion with the right "to assemble in the churches, and to frequent the sacraments as heretofore, without being molested in any manner, directly or indirectly."

Religious liberty means, however, not only freedom of worship. It means the right not to be debarred from holding public offices and from other privileges of citizenship on religious grounds. This right was slower in coming than the right of freedom of worship. It was not fully recognized in England until the nineteenth century, and it was denied in certain matters in the early history of Upper Canada, before the principle of the separation of church and state was fully accepted.

Equality before the Law. One of the chief civil liberties is the right of everyone who is sued or accused of crime to have a fair trial, to have the charge stated if he is imprisoned, and not to be kept in prison without trial for an unreasonable length of time. To try to ensure a fair trial there is a very old rule in British law that an accused person has the right to be tried by his peers, *i.e.* by his equals. This was stated in Magna Carta, though at that time it applied to nobles rather than the common people. A jury trial is the method by which a person is tried by his peers. The jury system, as we know it, was developed in English law and not in that of other countries, and the origins of the jury go back over a thousand years into early Anglo-Saxon history. Its growth took centuries, but even

before the English colonies were established in America three hundred years ago, it was a well-recognized system. Thus it spread throughout the English-speaking world. While the jury system alone does not make certain a fair trial, it is undoubtedly one of the chief means of doing so.

The right of Habeas Corpus is the means of protecting the individual against being kept in prison an unreasonable time without trial. If a person is so kept, his lawyer or anyone else can get a writ of Habeas Corpus, that is an order from a court or judge, requiring that whoever has the prisoner in custody shall "have the body" before the court within a specified time or release him.

Habeas Corpus also developed in England and has a very long history. Unlawful imprisonment was condemned in Magna Carta but the means of preventing it were very slow in developing. Finally, however, the famous Habeas Corpus Act was passed in 1679. Although it stated no new principle, it did make the recognition of the right of Habeas Corpus more certain.

In wartime there are bound to be exceptions to the principle of Habeas Corpus. In the national safety there may be circumstances which justify the imprisonment of a person without a trial or an openly stated charge. There are bound also to be difficult cases about which there will be wide difference of opinion as to whether the imprisonment was justified. One can only say in general that in a democracy the exceptions must be as few as possible. Habeas Corpus is rightly regarded as one of the most important of all the safeguards of personal liberty, and its preservation should be jealously protected. It is well to remember that this safeguard is one of the first to disappear under a totalitarian regime.

The Right to Vote and Freedom to Vote. The right to elect representatives and especially to be taxed only by elected representatives, goes back a very long way in British history, but the right of adult citizens in general to vote is comparatively recent. Until a century or so ago, the franchise was almost

everywhere restricted to a small minority of men, and usually by the requirement that the voter should hold a certain amount of property. Only in the last hundred years has the idea of "manhood suffrage" come in, and it was adopted by various stages in different places, often in the face of bitter opposition. Only in this century did women get the vote in Canada, Britain, and the United States. Voting still has some restrictions which vary from place to place or for different kinds of elections, but the right of adult citizens in general to vote is now recognized as an essential part of democratic government.

There is, however, a further point — freedom to vote without interference, which right is protected by the secret ballot. A century ago the secret ballot was unknown. Voters declared their votes in public, and elections usually lasted for several days. In hot elections fights with bloody noses and broken bones were by no means uncommon, so that voters were often bullied or frightened into casting their votes one way or another. The secret ballot was first used in Australia, where it was introduced in 1856, and for a time it was widely known as the Australian ballot. In a few years it spread rapidly. New Brunswick introduced it in municipal elections in 1856, and in 1878 it was used for the first time in a Dominion election. No one in a democratic country would now suggest a return to the old system of open voting.

The Right of Free Association. This is one of the most important of all democratic rights. What does it mean? It means the right of people to form all kinds of voluntary organizations for purposes in which they are interested without interference by government. Organizations or associations to commit crimes or to do things which are definitely injurious to the state, must of course be opposed. Such, for instance, are the organizations of criminals often referred to as "rackets." But the number of these is very small in comparison with the whole number of voluntary associations, and in general it is the duty of a democratic government to interfere as little

as possible with voluntary associations, and indeed in many cases to protect and work with them.

We are so accustomed to this idea of voluntary associations that their number will surprise us. There are literally thousands of them throughout the country, and of many kinds. A great many are formed for purely private or social purposes; a great many, however, are concerned with matters of public interest. Even a partial list of different kinds will be a long one: churches; charitable organizations; organizations interested in music, art, sports, education; organizations interested in boys' and girls' activities; service clubs, Canadian Clubs, discussion clubs; historical associations, field naturalists' associations, scientific societies and clubs; organizations of people interested in various kinds of business and in the professions; trade unions, farmers' organizations, co-operatives, credit unions; consumers' organizations, producers' organizations, taxpayers' organizations; the political parties and many organizations within them; and so on almost *ad infinitum*.

Now what is the point of reminding ourselves of all this? First, it is to emphasize the necessity of this right of voluntary association in a democracy. One of the first things the Nazi party did when it gained control of Germany was to destroy the right of voluntary association as far as it could. It did not want citizens who thought and organized for themselves. It attacked especially the churches, the other political parties, and trade unions. In particular it brought all youth organizations under its control, and substituted for them the Hitler youth movement which produced the most fanatical and bitter Nazis. The Nazi party had no respect for the rights of the individual, and the attack on the right of free association was one of the chief ways in which that was made clear. It is no exaggeration to say that where the right of free association is destroyed, democracy cannot survive.

Secondly, we must remind ourselves what a tremendous contribution voluntary associations can make, and do make, to the life of a democratic country, and how important it is that citizens take part in them. Many of these associations

do work of the greatest public importance in education, religion, recreation, the relief of distress, the organization of public opinion, and so forth. Scores of reforms, like the abolition of slavery, have been brought about in the past by associations of people who often ran serious risks in fighting for things in which they believed. Moreover, governments in democratic countries cannot, and must not, be expected to do everything. They must be assisted and often prodded by public opinion. We have had spectacular examples of the value of voluntary efforts in wartime. We are told, and it is true, that the hundreds of little boats which saved the British army at Dunkirk, could never have done what they did in the hour of crisis, if they had not been owned and manned by men who understood the spirit of co-operation and were trained in using their initiative. In wartime Canada, the government's policy of rationing, controlling prices, and collecting salvage, to take only three instances, owed a tremendous debt to the assistance of voluntary organizations of people of all ages. These are but illustrations of the value of voluntary associations, and what is true in war is equally true in meeting the problems of peace.

The Guarantee of Our Civil Liberties. It is one thing to have civil liberties in theory, another to have them in practice. What guarantee, then, have we that civil liberties will be preserved? In the United States they are guaranteed in a part of the written constitution which is called the Bill of Rights, and Bills of Rights have been used also in other countries. In Canada there is no Bill of Rights in this sense, but the civil liberties are protected by laws and practices, such as the Habeas Corpus Act and the jury system, which are firmly embedded in the history of the country.

Is there, however, so much difference between these methods as appears at first sight? In one most important respect there is not. In both cases the only real protection of civil liberties is the understanding of them by the people and the determination to protect them. Without this understanding and determination, no constitution written or unwritten will be suffi-

cient. Some countries have had written constitutions and Bills of Rights as nearly perfect as possible, with little or no real freedom. At bottom, therefore, the responsibility rests where it must always rest in a democracy, on the people themselves.

The Four Freedoms. In a message to the United States Congress on January 6, 1941, President Roosevelt said that the world of the future must be "founded upon four essential freedoms" — freedom of speech, freedom of worship, freedom from want, freedom from fear. It is little wonder that these came to be known immediately as The Four Freedoms, since they include so much of all that the democracies must strive for. Freedom of speech and freedom of worship are two liberties on which all the civil liberties depend; freedom from want and freedom from fear express desires that are as old as man himself. The modern world with all its resources of science has for the first time the means of destroying want everywhere, and even the means of destroying war which is the greatest cause of fear. Moreover, the modern world understands more clearly than ever that it cannot have millions of people living in misery and fear, without threatening the peace and prosperity of people everywhere. No country, someone has said, can be permanently an island of prosperity in an ocean of fear and misery.

This is not to say that the realization of the Four Freedoms will be easy. So hard will it be that many think them unattainable. Dictators say in effect to their people, I can give you security, but you will have to give up your freedom for it. The democracies must aim to give both security and freedom; and we can be sure that men will never in the long run be satisfied with less. Such an aim demands, however, every ounce of intelligence, determination, and goodwill that can be put into it not only by democratic leaders but by the rank and file of democratic citizens.

Education in a Democracy. Nearly a century ago, when the franchise was being extended in England to the lower classes, someone said, "We must begin to educate our masters," by

which he meant that if the vote and political power were given to the common people, education must also be given. No country could afford to have masses of ignorant voters who could not at least read. That is why tax-supported schools came in during the nineteenth century as part of the rise of democracy. This was true in the United States, in Great Britain, in the British North American provinces like Upper Canada, where the fight for free schools was a burning question, and in many other countries. Before that time it had been argued that education was largely a private affair for which each family was responsible.



(*"The School" Magazine*)

WHAT SHOULD THE DEMOCRACIES EXPECT OF THEIR SCHOOLS?

Today education is more necessary than ever. Whatever his occupation, the worker is handicapped unless he has at least the three R's, Reading, 'Riting, and 'Rithmetic, as our grand-fathers called them, and he should have a good deal more.

Moreover, we must have education as citizens no less than as workers, since people must understand their government if they are to govern themselves. Many things which used to be partly, or altogether, matters of private concern, are now matters of public interest — health, amusements, the buildings we live and work in, even food and clothing, and many other things. Scarcely an hour passes without our being affected in some way by the actions and policy of government. No citizen can avoid having an interest in government, but the ignorant citizen certainly cannot have an intelligent one.

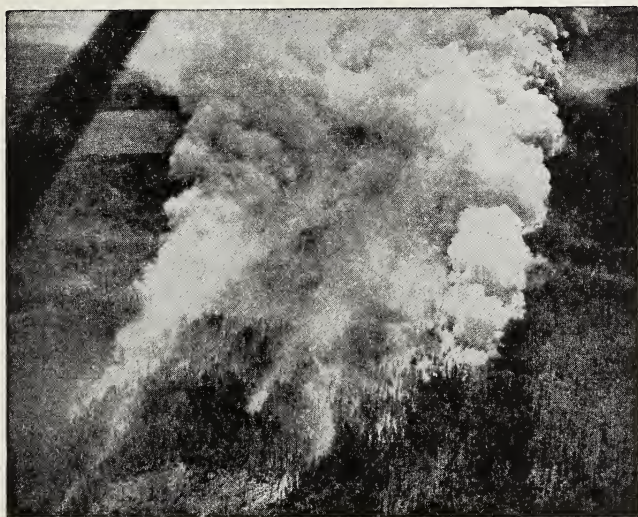
What is education, however, and what should be its purpose in a democracy? Thousands of books, articles, and speeches have discussed this question, and there will be thousands more. In a few words here we can make only two or three suggestions.

Education must train us to make a living. It must be practical. But what is practical? There are the widest differences of opinion on this point and one can raise a discussion about it in almost any group old or young. Some, for instance, would not put English at first thought among the practical school subjects, and yet which would have the better chance in applying for a job, other things being equal, the person who spoke or wrote in a slovenly ungrammatical way, or the person who spoke and wrote well? Certainly education must be practical in the best sense of that term, and it must constantly be improved. But the answer as to what is practical is not easy.

Education must encourage us to think for ourselves. It is always far easier not to think, and in the modern world that is especially true. We are so surrounded by distractions, as well as work, that we can easily fill our days without thinking. Reading the funnies is not a bad thing, but there are thousands of readers who are interested in nothing above that level and it is a safe guess that they are also not much interested in thinking for themselves. Brains are like muscles, they both get flabby without use.

This leads to another point. Education must fit us to be citizens in a democracy. No one in the modern world is more interested in education than a dictator. Schools can be one of

his most powerful weapons. Teachers in dictatorships must, therefore, teach only those things which will strengthen the students' obedience to their state, even though this means distortion and suppression of the truth. Dictators want obedient tools, skilled workers, not well-informed democratic citizens. We want skilled workers *and* democratic citizens — citizens who know something about the history of their own and other countries, workers who are capable of thinking about their problems, and who have high qualities of character and mind as well as of body.



A FOREST FIRE FROM THE AIR

Was this one of the many fires caused by someone's carelessness?

Finally, not all education is in the schools, important as they are. Education begins almost with our first breath, and it should not end till we have lost our power to think. Too often we look on education and schooling as the same thing. Much of what we learn we learn outside school, in the family,

in the playground, on the street. Much of it is good, some of it is not so good, but we can always choose the best rather than the worst in our opportunities. Governments have a duty to educate us, but we also have a duty to educate ourselves. Many people who have had little schooling have become truly educated. Today in Canada there are more opportunities than ever before for self-education after we have left school. There are books, pamphlets, libraries, much that is worth-while and interesting in newspapers, magazines, and radio programmes. There are many organizations which provide information and encourage discussion. The real problem is getting people to take advantage of their opportunities. You can bring the water to the horse, but what are you to do if the animal has no thirst?

The Community, the Citizen, and the Government. We must not close this chapter without a reference to the citizen and his community. What does the word "community" mean? It seems very flexible; sometimes it means a rural area, at other times a village, a city, or even a street. Always, however, it carries the idea that the people in it have interests in common—not all interests but certain important interests as citizens. A place torn by feuds could certainly not be called a true community.

This idea of the community goes back a very long way. If it is not as old as the family, it is nearly so, and it has always been important in British and Canadian history. It is certainly important in democracies because in his local community the ordinary citizen has his best opportunity of protecting his rights and shouldering his responsibilities as a democratic citizen. There he can most easily influence public opinion; there he can most easily take a part in matters of public interest.

It is no wonder that any dictatorship is completely opposed to this idea. In a dictatorship the community, no less than the individual, has to be brought under the complete control of an all-powerful government. The community, on the other hand, which is made up of public-spirited citizens who show

independence and initiative in tackling their common problems, is a bulwark of democracy. Democratic governments which are wise realize this fact, and encourage a healthy community spirit, for they know that where there are communities in the best meaning of the word, there are also citizens who never forget one of the wisest things ever said about the democratic citizen and his government: "Those who have responsibilities without rights are slaves; those who have rights without responsibilities are parasites."

CHAPTER III

PARLIAMENTARY GOVERNMENT AND HOW IT WORKS

At each opening of Parliament in England a strange sight may be seen—a solemn and very dignified gentleman walking through the Parliament Buildings from the House of Lords to the House of Commons. He is Black Rod, or “The Gentleman Usher of the Black Rod,” to use his full title, an official of the House of Lords whose duty it is to maintain order if any member is unruly, and whose office dates back to 1350. As he approaches the door of the Commons, it is shut in his face. He knocks three times with his black staff, his symbol of office, and on being asked, “Who is there?” replies “Black Rod.” He is admitted, and advancing toward the Speaker of the House of Commons he says, “Mr. Speaker, the Queen commands this honourable House to attend Her Majesty immediately in the House of Lords.” Turning, he makes his way back, followed by the Speaker and members of the Commons, who crowd into the House of Lords, and there the members of both Houses listen to the Queen read the Speech from the Throne, formally opening another parliamentary session.

What is the meaning of Black Rod’s strange ceremony? It dates back three hundred years to 1642 when Charles I, accompanied by a bodyguard, entered the House of Commons in an attempt to arrest five members. He found that the five had departed, and he was obliged to leave without them, but this attempt to interfere with the House by armed force was not forgotten. The time has long passed since a monarch could repeat such a threat; but Black Rod’s ceremony is still kept, not only as a symbol of the freedom and independence of the House of Commons, but of all members of Parliament. There

are many other symbols and rules which emphasize the same thing. The Queen cannot enter the Commons at any time. No military force may draw near it. No member may be arrested for debt, or a political offence, or for anything while he is in the House.

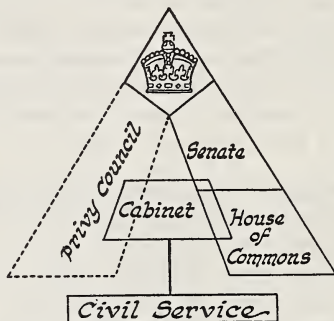
Parliamentary government is not the only form of democratic government, but it is the oldest, and yet it is as modern as it is old. From England, where its development stretches back to the thirteenth century and even earlier, it spread to all parts of the British Empire, and indeed every effort at free government in the modern world has been influenced by it. It is the basis of Canadian government, and every Canadian citizen must have an understanding of it.

Parliament and the Three Powers of Government. All governments in the world, ancient and modern, have one thing in common. They each have three kinds of power: legislative—the power to make laws; executive—the power to enforce laws; judicial—the power to try those who are accused of breaking the law, which often means also the necessity of deciding in a particular case exactly what the words of the written law mean. But if all governments are the same in having these three powers, there are the widest differences in the way they are used and controlled. Louis XIV of France is said to have declared, “*L’Etat, c’est moi*!”—The State, I am the State—by which he meant that all powers, legislative, executive, and judicial, were in his hands. Never in modern times was this idea carried farther than in Hitler’s Germany, where every citizen was expected to swear blind obedience to the Führer, and where every part of the government was brought under his complete control. This was despotism or totalitarian government in its extreme form.

Such a totalitarian system is as far as possible from the democratic ideal. In a democracy the legislature, the executive, and the judiciary must each play its part and each must respect the others. In the parliamentary system the legislative power is controlled by Parliament, the executive power by the

Cabinet, and the judicial power by the courts. We shall leave the judicial powers to Chapter VI. In this chapter we shall look at the legislative and executive powers.

Let us then in the following paragraphs look at the general principles of the parliamentary system as it is found not only in the United Kingdom but in Canada and other parts of the British Commonwealth.



THE PARLIAMENTARY SYSTEM IN CANADA

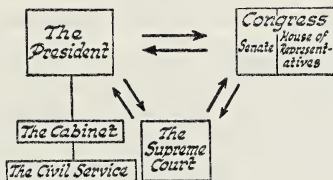
It is difficult to illustrate so flexible a system by a chart. This chart does, however, suggest the relations of the principal parts of the system to each other, although it does not make clear the important fact that the centre of authority is finally in the House of Commons. The civil service is also fully controlled by Parliament through the voting of money, also through laws such as the law setting up a Civil Service Commission which supervises a great many of the appointments. The Privy Council is indicated by a broken line because, as explained on pages 41 and 61, it has no active part in government.

Parliament and Its Legislative Powers. What is Parliament? We usually speak of the British Parliament as consisting of the House of Lords and the House of Commons or of the Canadian Parliament as consisting of the Senate and House of Commons, or of a Provincial Parliament as consisting of the elected Legislative Assembly.* It will surprise a great many people to learn that, strictly speaking, this definition is incorrect, because Parliament also includes the Queen or her representative, such as a Governor-General or Lieutenant-Governor. It is true that, compared with three or four hundred

*Only Quebec among the Canadian provinces has two Houses.

THE GOVERNMENT OF THE UNITED STATES

The system of government of the United States, which is illustrated by this diagram, consists of three parts: the executive part, which is the President; the legislative part, which consists of a Congress of two elected Houses, the Senate and the House of Representatives; and the judicial part, the Supreme Court.



This congressional system, as it may be called, has many differences from, as well as similarities to, the parliamentary system. The greatest similarity is, of course, that like the parliamentary system it rests on the will of the people as expressed through their votes. A most important difference is in the relation of the President and his Cabinet to Congress, which is quite different from the relation of the Prime Minister and Cabinet to Parliament. The President is elected every four years and stays in office no matter whether his party has a majority in Congress or not. The President does not sit in Congress as does a Prime Minister, and the Cabinet in the United States is quite unlike a Cabinet in the parliamentary system, since its members do not sit in Congress and are responsible only to the President.

The House of Representatives is elected every two years, and one-third of the Senate is elected every two years. Members of the Supreme Court are appointed by the President, but their appointments must be approved by the Senate. The Supreme Court, however, has a very important check on both the President and Congress, because in trying cases it can refuse to recognize laws which it considers are contrary to the Constitution.

Each of the parts of government in the United States is, in fact, independent of the others, and matters are so arranged that each of them can check the others, as is indicated by the arrows. An example of this is that the two Houses of Congress can pass an Act but the President can veto it by refusing to sign. If, however, the Act is passed again by a two-thirds majority in each House, it becomes law in spite of the President's veto. There are many other illustrations of this system of "checks and balances," as it is called. This is quite unlike the parliamentary system, which tends to concentrate power in the hands of the elected house, and the elected House in turn controls the Prime Minister and Cabinet.

years ago, the monarch has lost the power of governing. In fact, the history of Parliament is largely a story of the way in which the House of Commons gradually gained control over the powers held by kings like Charles I in the seventeenth and earlier centuries. Nevertheless, the Queen is still a part of Parliament, and she and her representatives still have a place in the parliamentary system of government, as we shall see.

A Parliamentary Session. Only rarely do we see the Queen or her representative the Governor-General or Lieutenant-Governor, *in* Parliament. The chief occasions are at the beginning or end of a session when, in the case of the British Parliament for instance, the Queen may ride in state through the streets of London and take her place in ceremonial robes on the throne in the House of Lords. Then comes Black Rod's ceremony, and the reading by the Queen of the Speech from the Throne. These and many other bits of ceremony, which are followed more or less closely in Parliaments throughout the British Commonwealth, draw attention to the centuries of growth and conflict which lie behind the system of free parliamentary government today.

The Speech from the Throne at the beginning of the session usually refers to the important public issues, and suggests more or less definitely the laws which are going to be proposed to deal with them. Similarly, at the end of the session, the Speech reviews the laws which have been passed.† These Speeches from the Throne, as everyone knows, are not written by the Queen or her representatives as they once were, but by the Prime Minister and the Cabinet* The Speech from the Throne at the opening of Parliament serves an important special purpose. A full debate on it is the first important business of the session, and this usually gives a good survey of important problems in general, before the House gets down to details.

† A session of Parliament is said to be prorogued when it is terminated without dissolution.

* In colonies which do not have full powers of self-government, the governor is still responsible for the Speech from the Throne.

The length of a Parliament's life varies in different cases. In the case of the Canadian Parliament, the British North America Act limits the term to five years. A Parliament does not have to live out its full term, however, and it is very common for it not to do so. At any time the Cabinet may "advise" the Queen or her representative to end or "dissolve" Parliament, which makes an election necessary. In such a case the Cabinet naturally chooses a time which it thinks is favourable to itself, or when there is some question of importance making it desirable, as we say, for Parliament "to go to the country."

A session of Parliament usually lasts several months but may last only a few days. Not more than twelve months may elapse between sessions. This is stated for the Canadian Parliament in the British North America Act, but there are many other reasons for annual sessions, one of the chief being that taxes are voted for not more than a year at a time. Annual sessions did not become the rule in England until almost the end of the seventeenth century. Queen Elizabeth I, for instance, called Parliament together only twelve times in her reign of forty-four years.

Political Parties in Parliament. Political parties are an essential part of parliamentary government. In a totalitarian country there can be only one political party, and the government can scarcely be changed without revolution. Bullets take the place of ballots. But in the parliamentary system, the existence of more than one political party is taken for granted. The party which has the majority in the elected House is said to be "in power" and its opponents are "in opposition," with the chance, when they gain the majority, of taking control of the government.

In this connection, we should look for a moment at the seating arrangements in a House of Parliament, since these have a real importance in the conducting of parliamentary meetings. The room is rectangular in shape. In the centre, at one end, and raised two or three steps above the floor, is the Speaker's chair — usually a fine ornamental piece of furniture

in keeping with the dignity of the Speaker's office and from which he presides over the debates. On each side, and running the full length of the House, is a tier of seats for the members. On the Speaker's right sit the supporters of "Her Majesty's Government," as the members of the majority are called, with the members of the cabinet in front and nearest the Speaker. On the left of the Speaker's chair, sits the "Opposition," with its leader and chief members in the front row directly facing the members of the cabinet. This arrangement had its beginnings in the early history of Parliament over four hundred years ago, and is not only excellent for debating but also clearly separates the "Government" and the "Opposition," each of which has its part to play in the parliamentary system.

What are these parts? The Government is responsible for presenting to the House the most important proposals for legislation, and these include almost all the proposals dealing with questions of public concern such as taxation and numerous others. These proposed Acts are called Government measures, and on them the Government party is prepared to stand or fall. If a Government measure is defeated the vote is almost always regarded as a vote of "want of confidence," the result of which will be the resignation of the Cabinet and almost certainly another general election. By no means, however, are all the Acts proposed in Parliament, Government measures. Any Member can bring in a "Private Member's Bill" as it is called, on which Members are usually free to vote as they please without regard to their party. These Bills generally have to do with private matters, but sometimes they are concerned with questions of public importance. The defeat of such a Bill does not, however, force the resignation of the Government, since the Government need assume no responsibility for it.

What is the role of the Opposition? It is as essential in the parliamentary system as that of the Government. The Opposition's role is not to oppose or obstruct merely for the sake of opposing. It may, and often does, support the Government when it thinks the Government is acting wisely, but its chief

duty is to criticize and to show how it thinks the Government's policy should be improved. In this way it keeps the Government "on its toes," and performs a valuable service because few Governments can be at their best for long without an able and public-spirited Opposition. The official name of the Opposition is the curious but very appropriate one of "Her Majesty's Loyal Opposition."

Sometimes there are more than two parties in the elected House, none of which has a majority, and this leads to an interesting situation. Two of them, for instance, may decide to work together in order to have a majority, and this union is called a Coalition. Coalition Governments may last some time, but they are often short-lived. If, however, a Coalition is not formed, the largest group usually becomes the Government, and the other groups the Opposition. Such a Government may also last some time since the Opposition groups may not wish to co-operate sufficiently to unite in defeating the Government, and so the Government may get sufficient votes from Opposition members to pass its measures.

One more word should be said about parties in Parliament. Each has its own organization. Its members come together privately to discuss their policy in meetings called the party Caucus. Each party also appoints one of its members as the Whip, one of whose responsibilities is to keep in touch with members of his party who are absent from the House. Many a Government has been narrowly saved from defeat by a quick vote because the Whip was able to summon his absent members at a moment's notice.

How an Act is Passed. Every Act or Statute, before it becomes law, must be passed by a majority in each House of Parliament and must be signed by the Queen or her representative. Until these stages are complete it is, in fact, not an Act or Statute but a Bill. During this process a Bill passes through "three readings," in each House. On the first reading it is usually passed without debate and without a formal vote. The second reading, which may come immediately, or some days

later, is the one on which most of the debating takes place. The mover of an important Government measure will almost certainly be a member of the Cabinet. Then follow speeches by the seconder and other members, which may be few or many, and may last for several sittings.

After a vote is taken on the second reading, however, the House goes into the "Committee of the Whole," as it is called, that is, a committee consisting of all the members of the House. This is a most important stage, because in it the debate is carried on not by speeches but by discussion back and forth as in any committee meeting. Changes in wording and in other details may be made, and the mover and seconder may accept suggestions even from their opponents. In the Committee of the Whole the chair is taken not by the Speaker but the Deputy Speaker or even some other Member. This is to show that the discussion in the Committee is not a formal debate. When the discussion is finished, the Committee of the Whole is brought to an end, the Speaker again takes the chair, and the Bill as amended in the Committee of the Whole is reported to him. The Bill as amended is then reprinted ready for the third reading, the debate on which is usually brief, as the Bill by this time has been thoroughly discussed.

A formal vote of the House is called a Division. During the passing of a Bill through its various stages, there may be a number of decisions without a formal vote, but there is usually a Division on at least the second and third readings. A Division in the Canadian House of Commons is taken by calling the roll and having each member declare his vote, the Division bell being rung before the vote to warn members who are out of the room. In the British House, members vote by walking out through two doors, the Ayes into the west lobby, the Noes into the east. They are counted as they walk out.

An Act when finally passed is given a number. The British North America Act of 1867, passed by the British Parliament to bring about Confederation is, for example, 30 & 31 Victoria, C.3, which means that it is, Chapter, or Act, number 3, of the

Parliament which met in the thirtieth and thirty-first years of Queen Victoria's reign.

The Rules of Debate. The rules of parliamentary debate, like so many other things about Parliament, are the result of centuries of development. Each House controls its own rules: for example, most speeches in the Canadian House of Commons are limited to forty minutes, but the general rules of debate are the same in all Parliaments. Their purpose is to encourage free discussion but at the same time to preserve the dignity of debate. It is a dangerous sign when public discussion falls to a low level. Like the thermometer in the patient's mouth the level of public debate is one of the best indications as to whether the public life of the country is in a healthy condition.

The rules of debate are a study in themselves, and only a few can be mentioned here. Every member, when he speaks, must address the Speaker, and must refer to any other member as "the honourable Member from . . ." (using the name of his constituency). The Speaker must be treated with the utmost respect, and has even the right in extreme cases to have an unruly member removed from the House. He must be impartial, favouring no party, for he more than anyone is responsible for the dignity of the House. His office is an ancient, honourable, and important one. There has been a continuous line of Speakers in England since 1377. No member may use "unparliamentary" language, such as language reflecting on the honesty of another member. The Speaker has the right to decide when language is "unparliamentary," and to demand that the member "withdraw" what he has said. The Speaker may be over-ruled by a vote of the members of the House but this does not often happen. While the House is in session the mace, the symbol of the House's dignity and independence, sits on the Clerk's table before the Speaker. It is carried in and out by the Sergeant-at-Arms at the beginning and end of each sitting, and no member may disturb or touch it.

The recording of debates varies with different Parliaments. Where a stenographic report is made and printed, as in the Dominion Houses, it is called Hansard, and anyone may obtain at very small cost from the Queen's Printer the record of any day's debates. Until late in the eighteenth century it was illegal to print reports of parliamentary debates in England. This was a survival of the old custom of holding the debates in secret in order to prevent the monarch from interfering with them or punishing any member for what he said. For the same reason visitors were not supposed to enter the House. Now a visitors' gallery is provided, but there must be no applause, and it may be cleared at the Speaker's order. Occasionally, the House may even have a secret session, as in wartime, for the discussion of confidential information.

Parliament and the Executive Power. The executive power, as pointed out earlier, is controlled by the Cabinet. What, however, is the Cabinet, and what is its relation to Parliament? If we go back three hundred years and more in English history, we find that the King controlled the executive power. This power, often called the power of the Crown, was symbolized by the magnificent piece of jewelry placed on the King's head at his coronation. For consultation and to give advice when he requested it, the King had a Privy, or private Council. But because this became a rather large and unwieldy body, the custom developed of choosing from among its members a small council to assist the King in carrying on the government from day to day. The members of this small council were known as the Ministers of the Crown, and it is this committee which was the origin of the modern Cabinet.

How did the old Council turn into the Cabinet of today? By two important changes which gradually took place, beginning about the end of the seventeenth century and lasting down into the nineteenth: (1) the two Houses of Parliament, and especially the House of Commons, gained control over the King's Ministers; and (2) the Ministers gained control over the powers of the Crown. We can understand the results of

CHANGING CABINETS AND CHANGING NEEDS

DOMINION

1867

President of the Council
Minister of Justice
Minister of Finance
Minister of Customs
Receiver General
Minister of Militia
Minister of Excise
Minister of Public Works
Minister of Marine and Fisheries
Minister of Agriculture
Secretary of State for Canada
Secretary of State for the Provinces
Postmaster-General

ONTARIO

Attorney-General
Treasurer
Commissioner of Agriculture and
Public Works
Secretary and Registrar
Commissioner of Crown Lands

1914

Premier and President of the Council
Minister of Justice and Attorney-General
Minister of Finance
Minister of Customs
Minister of Inland Revenue
Minister of Militia and Defence
Minister of Trade and Commerce
Minister of Public Works
Minister of Marine, Fisheries, and
Naval Service
Minister of Agriculture
Secretary of State and Minister of
Mines
Minister of Interior
Postmaster-General
Minister of Railways and Canals
Minister of Labor
3 Ministers without Portfolio

Premier and President of the Council
Attorney-General
Treasurer of the Province
Minister of Agriculture
Minister of Public Works
Secretary and Registrar of the
Province
Minister of Lands and Mines
Minister of Education
Minister without Portfolio

1950

Prime Minister and President of the
Privy Council
Minister of Trade and Commerce
Minister of Agriculture
Minister of Resources and Develop-
ment
Minister of Labour
Minister of Public Works
Minister of National Defence
Minister of Transport
Minister of National Health and
Welfare
Minister of Finance and Receiver-
General
Minister of National Revenue
Minister of Veterans' Affairs
Minister of Fisheries
Secretary of State for External
Affairs
Minister of Reconstruction and
Supply
Minister of Justice and Attorney-
General
Secretary of State for Canada
Postmaster-General
Minister of Mines and Technical
Surveys
Minister of Citizenship and Immi-
gration
Minister without Portfolio

Premier, President of the Council
and Provincial Treasurer
Minister of Agriculture
Minister of Highways and Minister
of Public Works
Attorney-General
Minister of Municipal Affairs
Minister of Labour
Minister of Health
Provincial Secretary and Registrar
Minister of Public Welfare
Minister of Plann'g and Develop-
ment
Minister of Lands and Forests
Minister of Travel and Publicity
Minister of Mines
Minister of Reform Institutions
Minister of Education
Minister without Portfolio

These lists of the Dominion and Ontario Cabinets at three different periods illustrate the flexibility of the Cabinet system, and show how the activities of Canadian governments have been enlarged to meet changing needs.

these changes if we observe how the Cabinet system works at the present time.

(1) *How do the Houses of Parliament Control the Cabinet?* The Houses of Parliament control the Cabinet, first, by the way in which the Cabinet is chosen. Immediately after an election, the Queen or her representative must ask the leader of the party which has the largest number in the elected House to become the Prime Minister, and "to form a government," that is, to choose the other members of the Cabinet, which he does from among the members of his party. Each Cabinet Minister must have a seat in one of the Houses of Parliament or must get one as soon as possible, and most of them will be chosen from the House of Commons. The Cabinet is thus a special kind of committee of the Houses of Parliament.

Cabinet Ministers also, however, are made members of the Privy Council of Great Britain, Canada, etc., as the case may be.* The Cabinet is therefore two committees in one, it is a committee of the Houses of Parliament and also a committee of the Privy Council; and although the Privy Council does not meet and has no power, the members of the Cabinet are not only members of Parliament, but are "Ministers of the Crown," because they belong to the private council of the Queen.

Secondly, the Cabinet is controlled in particular by the House of Commons, because it can stay in power only as long as it is supported by a majority of the elected members. This is often called Responsible Government, because the Cabinet is responsible to or dependent on, the elected House. If a Government measure is defeated, the Cabinet is said to have "lost the confidence" of the House, and its members will then offer their resignations as Ministers of the Crown to the Queen or her representative. They still, of course, remain members of Parliament until an election is held.

(2) *How does the Cabinet control the Powers of the Crown?* The executive part of government is still carried on in the

*The Canadian Prime Minister is made a member of the British as well as the Canadian Privy Council. British Privy Councillors are entitled to the term "Right Honourable," Canadian Privy Councillors "Honourable."

name of the monarch as it was hundreds of years ago. Law is enforced, criminals are prosecuted, taxes are collected, etc., in his name. Now, however, we know that this executive power is actually in the hands of the Cabinet. What has happened? A very simple but most important change. In the old days the monarch got advice from his council, but he could do as he pleased about it. Now, every decision of the Cabinet is sent on as "advice" to the Queen or her representative, but it cannot be refused. It must be accepted. A decision of the Cabinet, which is issued in the Queen's name, is called an order-in-council.

When we speak of a "constitutional monarchy," this, then, is what we mean—it is a monarchy in which the powers of the Crown are controlled by the "advisers" of the Queen, and the advisers are controlled in turn by the elected representatives of the people.

The Position of the Monarch in the Parliamentary System. If the Queen or her representative has no power, what importance in government have they? First, the Queen has two rights: (1) the right to be informed as to what the Cabinet is doing and to be given all the information which it has, secret and otherwise; (2) the right to advise and warn the Cabinet, even though it may not accept the advice. Through these two rights the Queen or her representative may exercise a considerable influence, especially if they have sound judgment and common sense. If, for instance, there are more than two parties in the elected House, none of which has a majority, the Queen will be fully consulted and may have considerable influence in determining whether a Coalition will be formed or who will be asked to become Prime Minister.

The Queen or her representative is, moreover, the symbol of the unity of the country. She is the highest representative of the state on ceremonial occasions. She must, of course, belong to no party, and must be careful never to express a political opinion. This position is one of great difficulty and responsibility, but one of great opportunity if the monarch has qualities

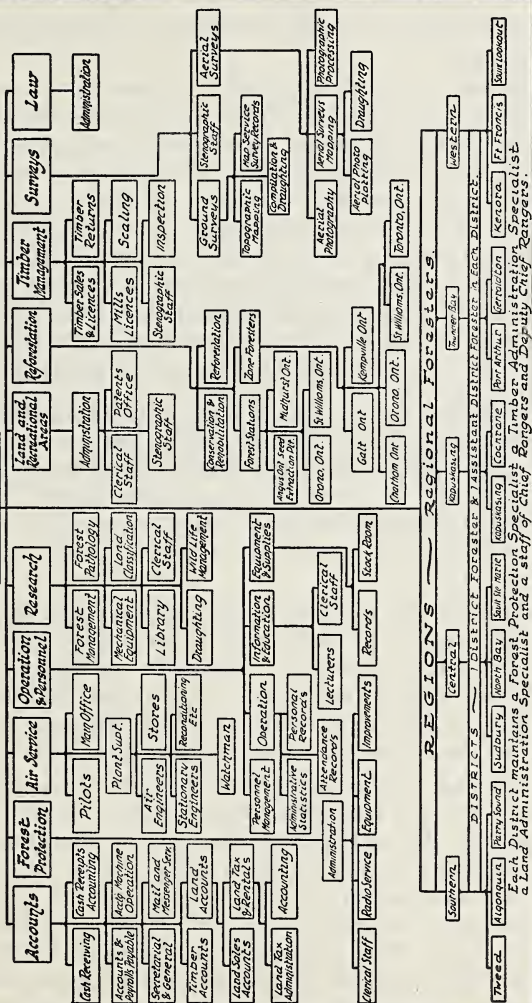
of intelligence, judgment and devotion to duty. It is important to remember, also, that since the Revolution of 1688 the right to the throne is determined by Act of Parliament, and the Queen has, as we say, a parliamentary title to the throne. Since the development of the modern British Commonwealth the importance of the monarchy has increased, for the Queen is now the Queen not only of the United Kingdom but of each of the self-governing nations of the Commonwealth. She is the visible link holding the Commonwealth together.

Queen Elizabeth II, when she came to the throne in February, 1952, was proclaimed separately in each of the Commonwealth countries, and by each government in its own way. This voluntary proclaiming of the Queen in different parts of the world by countries with so many millions of different kinds of people was one of the most interesting possible demonstrations of the nature of the Commonwealth as a family of free nations. The monarchy is thus a symbol of democracy and freedom in the eyes of the world, a fact which was clearly shown by the many tributes to George VI at the time of his death, for his courage and devotion to duty.

In each of the Commonwealth countries except India the representative of the Queen is the Governor-General, who is appointed by the Queen, acting on the advice of the cabinet of the country in which he is to serve. In Canada the Governor-General holds office for five years, and is paid about \$50,000 annually for his services. He is the personal representative of the Queen, but he exercises the powers and authorities of the Crown in Canada, on the advice of the Canadian Cabinet, without the necessity of submitting any of his actions to the Queen for approval.

The Departments of Government. Let us come back for a moment to the Cabinet. To carry on the executive powers of government various Departments are necessary, and each of these Departments has a Cabinet Minister at its head. On page 35 lists are given of several Canadian and Ontario Cabinets in different years. These lists are good illustrations

DEPARTMENT OF LANDS AND FORESTS
PROVINCE OF ONTARIO
DIVISIONAL ADMINISTRATIVE CHART
MINISTER
DEPUTY MINISTER



This chart of only one Department of the Government of Ontario gives an idea of the varied services performed by the Civil Service. This Department, under the direction of its Deputy Minister, is responsible to the Minister of Lands and Forests, who is a member of the cabinet.

of how Departments are added to or changed as new needs arise. The outbreak of war, for instance, always brings some sharp changes.

Sometimes a Cabinet Minister may have more than one Department, or "portfolio." There are often, however, Cabinet Ministers "without portfolio," that is, they have no Department but take part in the general work of the Cabinet. A Minister must be ready at any time to answer questions in parliament with regard to his Department, and a regular question period is provided, which is an important feature of parliamentary government. A Cabinet Minister's post is a heavy responsibility, since the work of his Department goes on the year round, and he must be constantly in touch with it, while at the same time he performs his duties as a member of Parliament.

The Civil Service. The chief duty of a Cabinet Minister is to be responsible for the "policy" of his Department, that is, for its general plans. To do the detailed work day by day, the government has its permanent employees, called the Civil Service. At Confederation the federal Civil Service numbered about 1,500, seventy years later it had increased to almost 43,000.

The Civil Service is a most important part of the machinery of any government. Without a well-trained and honest Civil Service, efficient government is impossible. At the head of the Civil Service in each Department is the Deputy Minister, and under him are the employees of all kinds, scattered, as in the case of the Post Office, for instance, throughout the country.

The method of appointing civil servants varies greatly at different times and for different governments. Since they are appointed by the authority of the Cabinet Minister, it has often been the custom to appoint supporters of the party in power, and many an election which brought a new party into power has been followed by a rapid changing of places. In the last thirty or forty years, however, there has been a great change in this respect in Canada, and it has become more and more common to appoint civil servants, especially to the more

important positions, because of their qualifications, and not because of their party. In 1918 the federal Government established a Civil Service Commission for the purpose of choosing employees by competitive examinations, and a great many are now chosen in that way. The Civil Service of Great Britain still probably sets a standard for the world, but it is safe to say that the Canadian Civil Service, federal and provincial, can now bear comparison with that of any country.

From the brief survey in this chapter it will be seen how closely connected are the legislative and executive parts of government in the parliamentary system. Although they are kept distinct, the Cabinet, the executive part, is always dependent on the elected representatives of the people. We are so familiar with the Cabinet and parliamentary system that we often fail to realize its significance. It is the most successful method yet devised for making legislative and executive parts of government work smoothly together, and it is therefore one of the most remarkable political inventions in human history.

CHAPTER IV

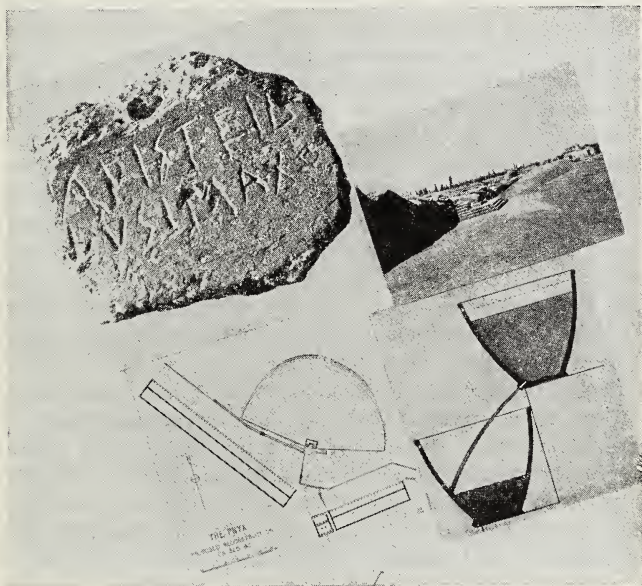
THE PEOPLE AND THEIR REPRESENTATIVES

Through the streets of ancient Athens on many a day of the year, hundreds of citizens might be seen streaming towards a flat-topped hill, the Pnyx, not far from the centre of the city. This was the meeting-place of the assembly, the *ecclesia*, in which every free citizen of the Athenian city state had the right to speak and vote. Here they listened, four or five thousand, or even more, while public questions, great and small, were threshed out in open, and often violent, debate; and here with a show of hands and often a shout of determination, they cast their votes, believing, as Pericles told them, that "we Athenians have a peculiar power of thinking before we act and of acting too, whereas other men are courageous from ignorance but hesitate upon reflection." Today the democratic ideal of Athens—freedom with responsibility—which Athenians themselves found it hard to live up to, stands out like one of the beacon lights in the history of free government.

The Principle of Representation. The Athenian system of "direct democracy" would be impossible in a modern nation. Even in ancient Athens when the number of citizens rose to sixty or seventy thousand, it was seldom that one-twentieth of them could attend the assembly at once. Instead of "direct democracy" we now have government by elected representatives. This principle of representation, unknown in the ancient world, is an essential part of every modern democratic system.

The principle of representation goes far back into medieval history. It had its origins long before even the so-called English Model Parliament of 1295, for which the King summoned to London not only the lords but also the elected representatives of the clergy, the knights of the shires, and the

citizens of the towns. From England the principle of representation spread to America. The first colonial assembly met in 1619 in the colony of Virginia, and from that point the principle of representation spread throughout the British Empire as other colonies were established. The first elected assembly within the bounds of present-day Canada met in Halifax in 1758.



THE ASSEMBLY PLACE OF ANCIENT ATHENS

Lower left and upper right, a plan of the assembly place of the fourth century, B.C., and a modern photograph showing speaker's rostrum. Lower right, a water clock, possibly used for timing speeches. Upper left, an ostrakon, a ballot scratched on pottery, cast against Aristides.

How Are Representatives Chosen?

The Election Machinery. To get an idea of how representatives are chosen in Canada, let us follow through the steps

in a federal election. There are at present 262 members in the House of Commons, elected by 260 "constituencies" (Halifax in Nova Scotia and Queens in Prince Edward Island send two each).

When Parliament is dissolved, the Prime Minister consults the Chief Electoral Officer, who is a permanent civil servant, and an election day is decided on. According to the Dominion Election Act it must be a Monday, or a Tuesday, if Monday is a holiday in the week chosen. In each constituency a "Returning Officer" is appointed by order-in-council, and when the date is chosen the election writs adorned with the Great Seal of Canada are sent out, directing the returning officers to prepare for the election. These preparations take seven weeks, since the following steps are necessary: (1) a preliminary list of voters in each constituency is prepared by "enumerators" appointed by the returning officer; (2) the preliminary lists are printed; (3) the lists are revised, citizens whose names have been omitted having a right to appear before a revising officer and state their claim; (4) the revised lists are printed; (5) then comes the week in which candidates are nominated; (6) then the ballots are printed.

The returning officer in each constituency is responsible not only for these preliminaries but for carrying through the election. He must arrange for polling stations, must appoint a deputy returning officer to conduct the election and count the votes in each polling station, and when he receives the statement of votes from each deputy returning officer he must add them up and proclaim which candidate is elected. In the unlikely case of a tie, he casts the deciding vote. The returning officer keeps the ballots and other papers for six days in case a recount is demanded by one of the candidates. Then he writes the name of the successful candidate on the election writ, and sends it back to the chief electoral officer in Ottawa, who publishes the names of the elected members in the *Canada Gazette*.

Nominating Candidates. The quality of members of Parliament depends on the quality of the men nominated to run.

and the selection of candidates is therefore very important. Candidates are usually chosen by nominating conventions arranged by the members of each political party in each constituency. Since political parties control their conventions they can make what arrangements they please to ensure, for instance, that members of other parties do not take part. Each of the men who wishes to run usually states his case in a speech, and after listening to them the convention proceeds to select a candidate. If no one gets a majority the name with the lowest number of votes is usually dropped, and additional ballots are taken until someone is clearly chosen.



John F. Jones
Deputy Registrar

CANADA

George V, by the Grace of God of Great Britain, Ireland
and the British Dominions beyond the Seas KING, Defender
of the Faith, Emperor of India.

To *Ray M. Grant, M.P.*
in the Province of *Ontario*

Greeting:

Whereas, by the advice of our PRIVY COUNCIL FOR CANADA, We have ordered a PARLIAMENT to be holden at Ottawa, on the fourteenth day of November next,

We Command You that, notice of the time and place of Election being duly given, you do cause ELECTION to be made according to law of a MEMBER to serve in the HOUSE of COMMONS OF CANADA, for the ELECTORAL DISTRICT of *Wellington North*, in the Province aforesaid,

AND THAT YOU do cause the Nomination of Candidates at such Election to be held on the seventh day of October next, and if a poll become necessary, that the same be held on the fourteenth day of October next.

AND DO CAUSE the name of such MEMBER, when so elected, whether he is present or absent, to be certified to OUR CHIEF ELECTORAL OFFICER, as by law directed.

Witness: ALAN FREDERICK LASCELLES, Esquire, Deputy of Our Right Trusty and Right Well-beloved Cousin and Commander, VENE BRABAZON, EARL OF BESSBOROUGH, a Member of Our Most Honourable Privy Council, Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, formerly Captain in Our Territorial Army, GOVERNOR GENERAL AND COMMANDER-IN-CHIEF OF OUR DOMINION OF CANADA, at Our City of Ottawa, the thirteenth day of August in the twenty-sixth year of Our reign and in the year of Our Lord 1936.

By Command

John F. Jones
Chief Electoral Officer

AN ELECTION WRIT

This writ, with the impress of the great seal, follows the ancient formula in ordering the returning officer to conduct an election in his constituency.

After the convention has made its choice an official nomination is sent to the Returning Officer. It must carry the signatures of ten voters in the constituency, and be accompanied by a deposit of \$200. Any candidate who in the election gets less than half as many votes as the successful candidate must forfeit his deposit. This is to discourage candidates from running unless they feel they have a chance of being elected.*

The Voter Casts His Ballot. When the voter comes to the poll he will find several people in charge: first, the Deputy Returning Officer who presides and is responsible for seeing that everything is properly conducted; then the Poll Clerk who is appointed by the Deputy Returning Officer, and whose duty it is to check each elector's right to vote at that poll, and to enter his or her name, address and occupation in a poll book; then there are the Scrutineers, two of whom are nominated by each candidate to watch proceedings and at the end of the day to check the ballots when they are counted. The voter, to mark his ballot, goes into a voting compartment where he can vote unobserved. The ballot is then deposited in the ballot box, which is kept locked until it is opened at the end of the day. The voter's duty at the poll is thus a simple one—merely to put an X opposite the name of the candidate for whom he wishes to vote. Even so, some ballots are always spoiled by having other marks put on them, and these ballots are not counted.

Freedom and Responsibility of Choice. We have gone over these steps rather carefully to make clear the precautions which are taken to ensure that elections will be properly conducted and that the voter will feel free to vote as he wishes. Someone has said that freedom of choice for the voter is the bedrock of free government. With freedom to vote only one way as in a dictatorship there certainly could be no democratic government. With freedom of choice, however, goes responsibility. The most serious danger to democracy is the ignorant, ill-informed, and indifferent voter. The ancient Athenian law

* Definite laws govern what a candidate may or may not do during an election.

maker, Solon, is said to have required that in time of crisis every citizen must take sides. Citizens cannot be compelled to perform their democratic duties satisfactorily, however, if they have no sense of responsibility. Apathy in a democracy is like dry rot. If it goes far, it threatens the whole structure. The records show that in federal elections in the past thirty years from 69 to 78 per cent of the voters have voted. This is better than in some other democratic countries, but it is still not what it should be.

Who can Vote in Canada? The general rule is that every person in Canada, man or woman, is entitled to vote, provided he or she (1) has attained the age of 21 years by polling day; (2) has been resident in Canada for the twelve months immediately preceding polling day; (3) is a British subject; (4) has been resident in the electoral district at the date of the issue of the writs ordering the election. The following cannot vote: returning officers, except to decide a tie vote; judges appointed by the federal government; Eskimos; Indians on a reservation who did not serve in one of the two World Wars; Doukhobors living in British Columbia; people imprisoned or mentally ill, or convicted of corrupt or illegal practices; inmates of charitable institutions in Ontario, Nova Scotia, New Brunswick, and British Columbia. Each province has the right to determine the qualifications for its own provincial elections. In general they are the same as those mentioned above. Alberta in 1944 lowered the voting age to nineteen, and Saskatchewan more recently to eighteen. The qualifications in municipal elections, which are dealt with in Chapter VII, are rather different, and vary in different parts of Canada.

Political Parties and Elections. Political parties have been mentioned enough times already to show that they are of great importance in the system of parliamentary government. Like a good many other familiar words, the word "party" is not easy to define. One of the most accurate definitions is that a political party is a body of citizens who believe that the policies and ideas which they have agreed upon are in the

ELECTORAL DISTRICT OF

FOURTH DAY OF AUGUST, 1943

LIST OF POLLING PLACES:

C. M. GOODFELLOW, Returning Officer.

AN ELECTION PROCLAMATION

The proclamation, which is posted up in public places, specifies the date for nominations, the date of voting, the polling places, and the date when the result of the election will be formally declared. This proclamation measured about three feet by five.

best interests of the country and that hence they, or their candidates and leaders, ought to govern the country or the province. If a party is "in power," it believes it ought to stay in; if it is "out of power," it believes it ought to get in. This struggle for power is an essential part of democratic government, since it means that differences of opinion are freely discussed, and the voters have a chance of deciding at elections which party will be given the responsibility of governing.

Parties, however, are not divided merely by the fact that they want to stay in power, or want to get in. If politics were merely a game of the "ins" and the "outs," public life would soon sink to a contemptible level. Each party also has its opinion of the way in which the country should be governed, of the laws which should be changed or passed; and these aims and proposals make up what we call the party's "policy." This is determined through free discussion and voting at party meetings and conventions. Within these meetings an opportunity is given for individuals or groups to persuade others to their way of thinking on any particular matter. Sometimes parties differ very sharply in their policies, at other times the difference may not be very marked. Sometimes a party may have such differences of opinion within itself that its policy may not be very clear; and, moreover, if parties cannot satisfy the people, there is always the possibility that a new party may be formed. The presence of a large number of small parties, each with its own interest, does not make for stable government. In Canada when differences of opinion arise within a party the principle of majority rule generally applies and keeps the party from breaking into "splinter parties." Sometimes a party draws up a definite statement of its proposals and ideas, which it puts forward as the "platform" on which the party is prepared to stand. Parties also vary in the kinds of people or groups which support them. In a country of great size like Canada, different parts of the country are bound to have somewhat different interests, and a party will therefore be stronger in one part than in another since its policy cannot suit every part of the country equally well. This is true also of

groups or classes of individuals such as business men, farmers, societies of various kinds, etc., who often tend to favour one party rather than another, even although they may not openly announce their support.

Finally, a political party is an organization of men and women who take an active part in determining its policies. These people are only a small proportion of the voters, but they are the ones who provide the leadership and energy which keeps the party going. Most important among them is the "leader," who is usually chosen at a large party convention, and who will become Premier if the party gets into power. Then there are the candidates who run for the party and the members who are elected. In addition there are many others, including those in each constituency who take an active part in working for the party, especially at election time. Furthermore, the party system offers an organized means of constructively criticizing and evaluating government at all times whether its own candidates are in office or not.

It is this organization which obtains and spends the "campaign funds" needed for elections. Even at best elections are an expensive business. Money must be paid out for printing, for halls in which to hold meetings, for advertising space in newspapers, time on the radio, and a hundred other items; at the worst, campaign funds may be spent for bribery or other corrupt purposes. Campaign funds are, therefore, neither good nor bad in themselves. It is their abuse, not their use, which makes them bad. Elections should be economically conducted, but expenses are unavoidable, and political parties must obtain their funds by subscriptions, large and small, from their supporters. Citizens themselves are usually just as responsible for the waste or misuse of campaign funds as are the managers of political parties. Any citizen, to take an extreme case, who accepts bribery for his vote, is as guilty as the man who gives the bribe. They are both guilty not only of a crime but of striking at the very foundations of free government, for those who can be bought are little better than slaves. Fortunately, one may venture the opinion that the level of public

life in Canada is higher than it was seventy-five and a hundred years ago, but it is the duty of all citizens to see that it is made better, for politicians alone cannot raise the standard of public life even when they wish to do so, unless the public wants politics conducted on a high level.

We have noticed four points in describing what a political party is: (1) it is a body of citizens who want to stay in power, or to get in if they are out; (2) it is a body of citizens who have a policy with regard to the government of the country; (3) in making the policy it is influenced by various classes or groups of people; and (4) it has a leader and an organization of active workers.

What, then, do parties do, or what service do they perform in governing the country? First, as we have seen, they name leaders and candidates, and present them to the voters for support. It is true that a candidate may run for Parliament without the support of a party, and "independent" candidates are not uncommon. But by far the largest number are put forward, and assisted in their election campaign, by a political party.


Secondly, political parties present the voters with arguments, pro and con, about important public questions, especially at election time. They arouse the interest of the voters and encourage them to vote by holding political meetings, by newspaper publicity, radio addresses, advertising, canvassing, and so forth. In doing these things each party is, of course, working first of all for itself, and it must be admitted that political arguments sometimes create confusion, not understanding. In spite of this, however, political parties perform a valuable service by helping to inform people and by promoting discussion. Political parties focus attention, therefore, on the issues which the voters must decide, and thus they assist in forcing the country to make up its mind.

Public Opinion: What Is It and What Does It Do? From what has been said it is clear that political parties have a great deal to do with public opinion. They help to create it, but it

FORM OF BALLOT PAPER.

	1	FRANK HENDERSON HALMON, R.R. No. 4, Cumberland, Ont. Merchant.
	2	MARGARET ELIZABETH ROBINSON, 389 Riverside Drive, Toronto, Ont. Teacher.
	3	HONOURABLE JOHN ROBERT SMITH, Cornwall, Ont., Minister of Public Works.

Front

No 12778	Space for consecutive number given to voter opposite his name in Poll Book.	No.....	Space for initials of D.R.O.		Polling Day: September 14th, 1935. James Brown, Printer. 200 Slater Street, Ottawa, Ont.
	No 12778				

Back

affects them even more because it decides elections and makes or breaks political parties. Political parties have sometimes been compared to the piston in a gasoline engine, which transmits the power from the gasoline vapour to the driving shaft of the machine—they transmit the power of public opinion and turn it into political action.

Public opinion, however, is greater than any party, or than all parties combined, because it is the sum total of all individual opinions in the country. This explains the extreme difficulty of telling exactly what public opinion on many important questions is. It is also the reason why every citizen in a democracy has some responsibility in making public opinion, and whether we realize it or not we help to make public opinion every day by the way in which we talk and act. Public opinion ought to be intelligent and well-informed, but it may be stupid, ignorant, selfish, and prejudiced. It may be beneficial and constructive, or it may work for ill-will and strife.

Through the modern newspaper, the radio and loud-speaker, public opinion can be created and influenced on a scale never known before in the world. By these means the dictatorships sway the minds of millions of their citizens. In Germany and Italy democratic government was destroyed in the 1930's when free public opinion was crushed. At the same time people must realize the danger of creating through public opinion too many irreconcilable parties and groups. Fascism triumphed in Italy because those who believed in free government would not co-operate, so that instead of political parties there were many bitterly opposed factions. In France the same weakness appeared, and this was one of the causes of her downfall in 1940.

What Should We Expect of Our Representatives? It is not enough to elect representatives. We should know what we have a right to expect of them. Are they the representatives of the people who voted for them, or of all the people in their constituencies, even those who did not vote for them, or of the

whole province or country? Surely the answer is that a representative must be all of these things.

People will first of all expect him to support the policy of the party to which he belongs. A point may arise where he feels he cannot do so, and he may even feel that he has to leave his party. But these circumstances are unusual. In general he will work for the policy of his party, and in doing so he will represent the views of those who voted for him. He must, in addition, represent all the people in his constituency. He should know its needs, and he should be expected to get, if possible, the improvements and government services to which it is properly entitled. It is not sufficient, however, for a representative to think only of those who voted for him or of his constituency. Like every citizen he must not be influenced merely by selfish or local interests. He must keep in mind the needs of his province and of the whole country.

It is no easy task for a representative to do all these things. Sometimes he will have to choose between one interest and another, and the choice may be difficult. But representatives are put in a position of great responsibility, and they must shoulder that responsibility even if, in doing so, they are expected to settle wisely problems for which the voters themselves do not clearly see the answers. Only by making representatives responsible can democracy be made to work.

What Should Our Representatives Expect of Us? If we have the right to expect much of our representatives, they also have the right to expect much of us. If citizens think that government is merely something out of which the individual should get what he can, then representatives will sink to the same level. We are told that Lincoln's life was made almost unbearable by the scores of people who flocked into Washington like birds of prey, each intent only on getting what he could for himself. Lincoln is not the only democratic leader who has been thus handicapped. Someone has said that there are three types of citizens: those who are determined to get more than they give; those who keep the rules but are careful

never to do more than their share; and those who do more than the rules require. If we expect good government, our representatives have the right to expect that the third class will outweigh the other two.

It has sometimes been argued that people cannot vote intelligently in the modern world where problems are so complex and difficult that they can scarcely be understood even by the expert. But people should not be asked to vote on the details of such problems. They should be asked only two things: (1) to understand in general the issues which face the country and the policies of the different parties with regard to them; (2) to choose in elections candidates in whose honesty and intelligence they have confidence. It has been proven over and over again that citizens of a democracy are fully capable of doing these two things. Our representatives have a right to expect this much and no less. If democratic citizens cannot vote intelligently in this way, the whole principle of representation breaks down and democratic government becomes impossible.

CHAPTER V

CANADA'S FEDERAL AND PARLIAMENTARY SYSTEM

Canada is not only one of the largest, but one of the oldest, federations in the world. We are accustomed to think of Canada as a young country, and in many ways that is true. In 1867, however, when the four provinces of Nova Scotia, New Brunswick, Quebec, and Ontario were united under a federal system of government there were only a few federations, Switzerland, the United States, and Germany being examples. Since then federalism has been adopted in a number of other countries such as Brazil, Australia, and Russia.

A federal system is one in which there are (1) a national or central government to control matters of concern to the whole country, and (2) provincial or state governments to control matters of concern to the individual provinces or states. There are thus two sets of laws in a federation, national and provincial, and every citizen is under both. A federal system is therefore more complicated than one in which there is a national government only, and for this reason federations have been established only where it seemed necessary, in order to obtain union. Federal countries, however much they may differ, all have one thing in common, — their people are not satisfied to have a national government only, they are determined also to have governments for the various parts of the country which shall control matters of local concern. It is not surprising, therefore, that most federal countries are large. Little Switzerland, with no fewer than twenty-two states or cantons, is a striking exception.

Geographical Reasons for Canadian Federalism. To understand the government of any country we must look at the map,

and certainly that is true of Canada. From Atlantic to Pacific, Canada extends east-west over three thousand miles: from her southernmost point on Lake Erie to her northernmost Arctic islands, she stretches north-south almost as far—an area of over 3,800,000 square miles. It is impossible in so large a country that the interests of all parts should be the same. They are bound to differ in resources, in needs, and in the ideas of their people.

Canada has at least five regions, differing in population, climate, and industries, and sharply separated by distance or geographic barriers—the Maritime Provinces, the St. Lawrence Region, the Prairie Provinces, the Pacific Coast, and the Far North. Farthest east is the region of the Maritime Provinces with about one million people whose chief interests are in fisheries, forests, and agriculture. Throughout their history the Maritime Provinces have looked out to the Atlantic rather than inland. Next to the west is the region of the St. Lawrence River and Great Lakes, the provinces of Quebec and Ontario. Most of their population of over seven millions is concentrated near the St. Lawrence waterway in an area of farming and manufacturing, but the two provinces extend north for hundreds of miles to Hudson Bay and Hudson Strait through a vast stretch of mining and forest country, very thinly populated and still largely undeveloped. Travelling still farther west, we come to the Prairie Provinces whose two and a half million people have been concerned above all with the growing of wheat for the markets of the world. Farthest west and looking out across the Pacific is British Columbia with its timber, minerals, fisheries, and farm lands. Sharply separated from the rest of the Canadian people, most of British Columbia's population of nearly one million are concentrated in the south-west corner of the province in and near the cities of Victoria, Vancouver, and New Westminster. Finally, there is the region of the Far North, stretching beyond the Prairie Provinces and British Columbia for hundreds of miles into the Arctic, and consisting of Yukon Territory, and the North-west Territories of Mackenzie, Keewatin, and Franklin. In recent years we have begun to recognize the possibilities of

this region, but its population as yet numbers scarcely twenty thousand, and since there are not sufficient people to make the establishment of provinces possible, this great region is still under the control of the national government.

The Rocky Mountains are the greatest single geographical barrier in Canada, but they are not the only one. Between the settled parts of Ontario and Manitoba there is a long stretch of rockland and forest where the Laurentian Shield comes down toward the Great Lakes. This is a very formidable barrier, and between the Maritime Provinces and Quebec there is another similar stretch which, though smaller, has been none the less difficult. Geography, which has divided Canada into sections, is thus one of the chief reasons for Canada's federal system.

Historical Reasons for Canadian Federalism. History, however, also plays its part. Each province has its own history, and as we study these histories we realize that the provinces were established in different ways and by different groups of people, that each has developed its own interests and ways of doing things. So much is this the case that even in the Maritime Provinces, which are alike in many ways, there has never been a sufficiently strong common feeling to bring about union. A somewhat similar situation is found on the Prairies, though their history is very different from that of the Maritime Provinces. Manitoba became a province in 1870, and British Columbia in 1871. Not until over thirty years later did the Prairies in between have sufficient population to be divided into provinces. The people who were then settled west of Manitoba wished to have their own governments, and two new provinces, Saskatchewan and Alberta, were therefore created in 1905.

Canada's newest province, Newfoundland, also shows how different the provinces are in their histories. Newfoundland is in many ways very similar to the Maritime Provinces, but did not join the Canadian federation until 1949. Several efforts were made to bring it in, but each time the governments

could not agree on terms, and the Newfoundlanders went their own way. They were very proud of their position as the oldest British Dominion. Finally, however, the depression years after 1929 were too much for them, and in 1934 they had to accept a non-elective Commission form of Government under British guidance. When the time came once more for them to choose



(From the painting by Norman Rockwell)

FREEDOM FROM WANT

what they would do, they voted to join Canada and became the tenth province, rounding out the process of Confederation begun eighty-two years before.

The most important example of the influence of history in Canada's federal system is Quebec, which traces its history back to the beginning of the seventeenth century. When Quebec became a part of the British Empire in 1763, the French Canadians continued under British rule to have freedom of worship, their own methods of education under the control of the church, their own language, and customs of living. The Quebec Act of 1774 still further protected these characteristics by confirming (1) the seigniorial system of land holding, (2) the right of the church to collect tithes, and (3) the French civil law (although English criminal law was substituted for French criminal law). When, therefore, Quebec entered Confederation in 1867, she did so because in the new government the questions of language, education, and civil law were left under provincial control, and the French-Canadian leaders who favoured Confederation felt that they would be better able to protect these special interests in a federal system than in any other way.

Steps in the Development of Canada's Federal and Parliamentary System. Canada was the first country to have both a parliamentary and federal system, and Canada and Australia are still the only countries with this combination. Britain has the parliamentary system but not federalism. The United States has federalism, but not the parliamentary system. Canada drew the parliamentary system from Britain, and many of her ideas of federalism from the United States; but she had to adapt these examples to her own purposes, and she has therefore been a pioneer in developing her own type of government. For that reason her example has aroused interest in other parts of the world, and has been watched closely, for instance, in Australia and India, each of which also has a problem of federalism and parliamentary government.

To understand Canada's government it is worth recalling

that the Canadian parliamentary and federal system developed in several stages which are clearly marked, although they overlap. (1) *The establishment of representative assemblies*. This came at different times in different provinces. The first, for instance, was established in Nova Scotia in 1758. Upper and Lower Canada got their assemblies in 1791. In what is now Saskatchewan and Alberta there was, before 1905, one representative assembly which sat at Regina. (2) *The establishment of cabinet or "responsible" government*. The struggle for responsible government is one of the most important chapters in Canadian history, with names such as Joseph Howe, Baldwin, Lafontaine, Lord Durham, and Lord Elgin in the forefront of the story. Responsible government meant that the Governor's council, instead of being dependent only on the Governor, became a real cabinet, dependent on the majority in the elected assembly. This change came first in the 1840's — in Nova Scotia in 1848, and in the united provinces, now Ontario and Quebec, in 1849, as a result of the bitter crisis in which Lord Elgin played so prominent a part. From this point the principle of responsible government kept on growing, and was adopted also in other provinces as they developed. Along with responsible government came the growth of political parties as well as other signs of democratic government. (3) *The establishment of Federalism*. This came in 1867 with the adoption of Confederation. (4) *The development of Canadian self-government*. This development was spread all through the hundred years following Lord Durham's famous *Report* of 1839. Responsible government and Confederation were important steps toward self-government, but the growth toward full self-government, which is dealt with in chapter IX, increased after 1867, and especially after 1914, when Canada gradually took over responsibility for such matters as treaty making.

The history of Canada's parliamentary and federal system has been a long and, in many ways, a very remarkable one. Self-government has come in Canada by evolution not revolution — by development within the British Empire and Com-

monwealth, not by separation — and Canada's experience is thus unique in the American hemisphere, since she is the only one of its twenty-two countries to gain nationhood in this way.

Canada's Written and Unwritten Constitution. When people in the United States speak of their constitution, they mean the written document which has been in force since 1789 and which describes the machinery and purposes of American government. This constitution is not like an ordinary law. It cannot be changed by the national government, but can only be amended by a special process. The American constitution is, therefore, always called a "written" constitution, in spite of the fact that there are many practices in the government of the United States which are not described in it. When, on the other hand, the people of the United Kingdom speak of their constitution, they mean not a written document but all the practices and traditions of their parliamentary system. Much of this constitution is, of course, written down in laws such as the Bill of Rights, the Reform Bills, and others. Nevertheless, the British constitution is always said to be "unwritten" because there is no single document which, like the constitution in the United States, is superior to all other laws in the country. The British Parliament can change any law of the United Kingdom at any time.

In Canada the word constitution is used in both ways. This is because the *federal* part of Canada's federal-and-parliamentary system is carefully described in a written document, the British North America Act which was passed in 1867 by the British Parliament and can only be changed by special amendment; while the *parliamentary* part, like the English constitution, is to be found in various laws and customs which are not described in the British North America Act,* and many of

* The Act merely said at the beginning that Canada should have "a Constitution similar in principle to that of the United Kingdom." In that single line, said Edward Blake the Liberal leader, a few years later, there was imported into the Canadian system "That mighty and complex and somewhat indefinite aggregate called the British constitution."

which go back before 1867. The result of this difference between the federal and parliamentary parts is that the British North America Act is sometimes called the Canadian constitution, while at other times the word constitution is used to mean the entire system of Canadian government, both written and unwritten. Perhaps it does not matter greatly how the word is used, provided people make clear exactly what they mean by it.

The British North America Act and the Canadian Parliament. In its opening sentences the British North America Act stated that, since four provinces had expressed the desire to be "federally united into one Dominion under the Crown," it was desirable to provide a government for them, and also for other parts of British North America which might later be admitted into the union. Following this statement of purposes the Act goes on with no fewer than 147 clauses or sections, running to some 25 or 30 pages of ordinary size. Among the important topics with which they deal are the form of the new federal government; the form of the new governments for Ontario and Quebec, which had been joined since 1841 in the united province of Canada; the division of powers between the federal and provincial governments; and questions of money and taxation.

According to the Act, the new Canadian Parliament was to have two Houses, Senate and House of Commons. In the House of Commons each province was given representation according to its population, the method being that Quebec was always to have 65 representatives; and each other province was given a number in the same proportion to its population as the number 65 bears to the population of Quebec. Under this arrangement there were 181 members in the House of Commons in the first Dominion Parliament, as compared with 245 in the Parliament elected in 1940.*

* The redistribution after the 1941 Census was postponed for the duration of the war. This required an amendment of the British North America Act, which was made by the British Parliament at the request of the Canadian Parliament.

In 1946 an amendment to the Act provided that the old system should be abandoned, and that instead the House of Commons should have 255 members. Then the number of members for each province could be found by dividing the total population of the ten provinces by 254 (omitting the one member from the Yukon), and then dividing the population of each province by the quotient so obtained. In this way, by the first step you find the number of people there are for each Member of Parliament, and then how many M.P.'s there should be for each province. A provision still stands that no province should have fewer members in the House of Commons than in the Senate, and as a result, Prince Edward Island has four M.P.'s, which is more than its population would give it. Newfoundland, when it came in, was given 7 members, raising the total to 262.*

Representation in the Senate is not arranged according to the population of the provinces, but with the idea of giving some equality to the different sections of the country. In 1867 Quebec was given 24 Senators, Ontario 24, and Nova Scotia and New Brunswick 12 each—a total of 72. As other provinces came in, Senators were added until finally in 1915 the number was increased to 96. The representation by provinces in the Senate and House of Commons at present is as follows:

	Senate	House of Commons
Ontario	24	83
Quebec	24	73
Maritime Provinces	30	
Newfoundland	6	7
Nova Scotia	10	13
New Brunswick	10	10
P. E. I.	4	4
Western Provinces	24	
Manitoba	6	16
Saskatchewan	6	20
Alberta	6	17
British Columbia	6	18
Yukon		1
	<hr/> 102	<hr/> 262

While members of the House of Commons are elected, Senators are appointed for life by the Governor-General, which

* A recent enactment has increased the number of members of the House of Commons to 265.

means that they are chosen in practice by the Prime Minister. Senators must be residents of the province for which they are appointed, must be at least thirty years of age, and owners of real property to the value of \$4,000. These rules do not apply to the House of Commons. Members of both Houses receive \$4,000 for each session of more than 65 days, \$2,000 for expenses, and free railway transportation to and from their constituencies.

Theoretically the Senate and House of Commons are equal in importance, except that the British North America Act provided that all bills for levying or spending taxes must originate in the House of Commons. Actually, however, the House of Commons is much the more important, and in practice all bills of general importance are first introduced and passed there. The Senate may refuse to pass bills passed by the House of Commons, and altogether nearly one hundred and fifty bills have been so rejected. The Senate thus acts as a check on the House of Commons. Whether this is desirable or wise has been much debated, and at various times proposals for a "reform" of the Senate have been put forward. Among the provinces only Quebec has an upper House.

The British North America Act and the Relation between the Dominion and the Provinces. The most difficult and important problem in a federal system is how to divide power between the national and provincial governments in such a way that each will have its own rights and authority, but that all will work together in the general interest. No written law can provide a perfect solution for this problem, because everything depends finally on whether people are willing and determined to co-operate with one another. Nevertheless, the written law can do a great deal, and the British North America Act attempted to solve the difficulty in several ways which we shall now describe. The methods are not, however, mentioned in order of their importance.

(1) *The Lieutenant-Governor.* The Act provided that Lieutenant-Governors should be appointed and paid by the Domin-

THE BRITISH NORTH AMERICA ACT, 1867

Section 91

Legislative Authority of Parliament of Canada 91. It shall be lawful for the Queen, by and with the advice and consent of the Senate and House of Commons, to make laws for the peace, order and good government of Canada in relation to all matters not coming within the classes of subjects by this Act assigned exclusively to the Legislatures of the Provinces; and for greater certainty, but not so as to restrict the generality of the foregoing terms of this Section, it is hereby declared that (notwithstanding anything in this Act) the exclusive Legislative Authority of the Parliament of Canada extends to all matters coming within the classes of subjects next hereinafter enumerated, that is to say:—

1. The Public Debt and Property:
2. The regulation of Trade and Commerce:
3. The raising of money by any mode or system of Taxation:
4. The borrowing of money on the Public Credit:
5. Postal Service:
6. The Census and Statistics:
7. Militia, Military and Naval Service, and Defence:
8. The fixing of and providing for the Salaries and Allowances of Civil and other Officers of the Government of Canada:
9. Beacons, Buoys, Lighthouses and Sable Island:
10. Navigation and Shipping:
11. Quarantine and the establishment and maintenance of Marine Hospitals:
12. Sea Coast and Inland Fisheries:
13. Ferries between a Province and any British or Foreign country, or between two Provinces:
14. Currency and Coinage:
15. Banking, Incorporation of Banks, and the issue of Paper Money:
16. Savings Banks:
17. Weights and Measures:
18. Bills of Exchange and Promissory Notes:
19. Interest:
20. Legal Tender:
21. Bankruptcy and Insolvency:
22. Patents of Invention and Discovery:
23. Copyrights:
24. Indians and Lands reserved for the Indians:
25. Naturalization and Aliens:
26. Marriage and Divorce:
27. The Criminal Law, except the Constitution of the Courts of Criminal Jurisdiction, but including the Procedure in Criminal Matters:
28. The establishment, maintenance, and management of Penitentiaries;
29. Such Classes of Subjects as are expressly excepted in the enumeration of the Classes of Subjects by this Act assigned exclusively to the Legislatures of the Provinces.

And any matter coming within any of the Classes of Subjects enumerated in this section shall not be deemed to come within the Class of matters of a local or private nature comprised in the Enumeration of the Classes of Subjects by this Act assigned exclusively to the Legislatures of the Provinces.

THE BRITISH NORTH AMERICA ACT, 1867

Section 92

Subjects of exclusive Provincial Legislation 92. In each Province the Legislature may exclusively make laws in relation to matters coming within the Classes of Subjects next hereinafter enumerated; that is to say:—

1. The amendment from time to time, notwithstanding anything in this Act, of the Constitution of the Province, except as regards the Office of Lieutenant-Governor:
2. Direct Taxation within the Province in order to the raising of a Revenue for Provincial Purposes:
3. The borrowing of money on the sole credit of the Province:
4. The establishment and tenure of Provincial Offices, and the appointment and payment of Provincial Officers:
5. The management and sale of the Public Lands belonging to the Province, and of the timber and wood thereon:
6. The establishment, maintenance, and management of public and reformatory prisons in and for the Province:
7. The establishment, maintenance, and management of Hospitals, Asylums, Charities, and Eleemosynary Institutions in and for the Provinces, other than Marine Hospitals.
8. Municipal Institutions in the Province:
9. Shops, Saloon, Tavern, Auctioneer, and other Licenses, in order to the raising of a Revenue for Provincial, Local, or Municipal purposes:
10. Local works and undertakings, other than such as are of the following classes:
 - (a) Lines of Steam or other Ships, Railways, Canals, Telegraphs, and other works and undertakings connecting the Province with any other or others of the Provinces, or extending beyond the limits of the Province:
 - (b) Lines of Steam Ships between the Province and any British or Foreign Country:
 - (c) Such works as, although wholly situate within the Province, are before or after their execution declared by the Parliament of Canada to be for the general advantage of Canada or for the advantage of two or more of the Provinces:
11. The Incorporation of Companies with Provincial Objects:
12. The Solemnization of Marriage in the Province:
13. Property and civil rights in the Province:
14. The Administration of Justice in the Province, including the constitution, maintenance, and organization of Provincial Courts, both of Civil and of Criminal Jurisdiction, and including procedure in civil matters in those Courts:
15. The imposition of punishment by fine, penalty, or imprisonment for enforcing any Law of the Province made in relation to any matter coming within any of the classes of subjects enumerated in this Section:
16. Generally all matters of a merely local or private nature in the Province.

ion government, and provinces were forbidden to interfere with the "Office of Lieutenant-Governor" even though they might change any other part of their system of government as they pleased. It was felt that the Lieutenant-Governors might provide a link between the national and provincial governments; and, although in this respect the link has rarely had much practical importance, it should not be overlooked.

(2) *Disallowance of Provincial Acts.* The federal government was also given the power to disallow provincial laws, that is, to declare them void; it being understood that this would only be done where a provincial law was contrary to the interests of the country or clashed with federal law. From 1867 to 1924 disallowance was used in one hundred cases; but since then it has been used only in the case of one province, Alberta, in the years 1937-43, when eleven Acts passed by the Social Credit government of the province were set aside.

Disallowance is almost certain to create a good deal of ill-will and so is not a very satisfactory way of controlling the relations of federal and provincial governments. It is, therefore, not likely to be used frequently.

(3) *The Judges and the Criminal Law.* The British North America Act provided that there should be one system of criminal law for the whole of Canada, and that the federal government appoint and pay the judges in all but the lowest courts. Each province determines what courts it will have, and each province has its own civil law, but since the judges who sit in the courts are all appointed by the federal government and since the criminal law is the same throughout the country, there is a unity in the judicial system which is very important. In the United States the situation is very different: there is a national system of courts throughout the country, and in addition there are forty-eight state systems, each with its own set of judges.

(4) *Special Provisions regarding Education and Language.* Education, which was a matter of special concern, was placed under provincial control, although the Act provided protection

for religious groups who had separate schools. To French Canadians the protection of their language in Quebec was also a matter of particular concern. Section 133 of the Act therefore provided that English or French might be used in the debates of the federal Parliament or of the Quebec legislature; that both languages should be used in the journals and records of those Houses; and that either language might be used in the courts of Quebec or in any court of Canada established under the British North America Act. Such a court is the Supreme Court of Canada which sits at Ottawa.

(5) *The Division of Powers between the Federal and Provincial Governments.* The most important way in which the British North America Act attempts to settle the relations between the federal and provincial governments is by dividing the powers of government between them. This is done in sections 91 and 92 of the Act, which are quoted on pages 66-67. Section 91 defines the powers of the federal government, 92 those of the provinces.

It will be noticed that at the beginning of Section 91 the federal government is given a general power to make laws for the "Peace, Order, and Good Government of Canada" on all matters not put exclusively under the provinces. Then there follows a list of subjects put exclusively under the national government. Some of these, such as (2) trade, (3) taxation, and (7) defence, are, of course, much more important than others, and in these matters, as well as in most of the others, the national government is given complete power. The power of taxation, for instance, is not limited as is the taxing power given to the provinces in clause 2 of section 92.

Section 92 contains the list of matters placed exclusively under the provincial legislatures. Unlike the national government, the provinces are not given any general power with regard to "Peace, Order, and Good Government." Their powers, as clause 16 states, have to do with particular matters of provincial and private concern. In a number of these matters, moreover, the provincial power is limited as, for

instance, in clause 10. In two cases, agriculture and immigration, which are dealt with separately in section 95, the federal and provincial governments are both given power, but it is made clear that, if there is any conflict between federal and provincial laws on these subjects, the federal law is superior.

The conclusion, then, seems to be (1) that control was given to the federal government over matters of national concern, and to the provincial governments over matters of local and private concern; (2) that in some cases, like immigration, power was given to both; but (3) that in cases of uncertainty the powers of the federal government were intended to be wide and ample, while those of the provinces were definitely limited.

The Amendment and Interpretation of the British North America Act. The last sentence, given just above, draws attention to the greatest difficulty, and it is a difficulty in all federal systems of government. No matter how carefully the powers of the national and provincial governments are described there are bound to be "cases of uncertainty." This is so not only because the powers of government can never be exactly defined in words, but also because conditions change and new problems arise. The Canada we live in is very different from the Canada of 1867. Any written constitution must be *amended* or *interpreted* to suit changing conditions.

Formerly, the British North America Act, being a British statute, was amended by the British Parliament acting at the request of the Canadian Parliament. But in 1949 the Canadian Parliament decided to change this arrangement. As a first step it had the British Parliament pass an Act giving it the power to amend all those provisions in the B.N.A. Act which concern the federal government only. At the time of writing no arrangement had been worked out with the provinces to amend the provisions which concern them, but a beginning of discussion had been made. A Federal-Provincial Conference was held in January, 1950, and a standing committee set up to consider the problem.

The Conference grouped the provisions of the B.N.A. Act this way:

- (1) Provisions which concern the federal parliament only.
- (2) Provisions which concern the provincial legislatures only.
- (3) Provisions which concern parliament and one or more but not all of the provincial legislatures.
- (4) Provisions which concern parliament and all of the provincial legislatures.
- (5) Provisions concerning fundamental rights (as, for instance, education and language.)
- (6) Provisions which should be repealed.

The problem that must be solved is: how to divide between the federal and provincial governments the power to amend each of these types of provision. This is the most difficult constitutional problem that has been faced by Canada's political leaders since the Confederation agreement was first made. Many different interests and ideas from all parts of the country must be considered and fully discussed before a satisfactory way of amending the constitution can be found. Such a method must be found, however, since Canada is a self-governing country, and it must be found by the democratic process of free discussion in a spirit of mutual respect and goodwill. The Fathers of Confederation were inspired by this spirit when they first worked out the principles of the British North America Act in the 1860's, and signs of it are not lacking today. The solution of this question of amendment will be one of the greatest demonstrations of Democracy in Action in the history of Canada.

The Act of 1867 has been amended in details several times, but sections 91 and 92 have been amended only once, when "Unemployment Insurance" was added to section 91 in 1940. The *interpretation* of these two sections has, therefore, been much more important than their amendment. This interpretation has been made by the highest courts before which Canadian law cases can come — the Supreme Court of Canada,

and, until 1949, the Judicial Committee of the British Privy Council* — and since 1867 there have been a number of these important cases.

It is necessary to mention only two examples of interpretation by the courts. (1) The power of the federal government "to make laws for the Peace, Order, and Good Government of Canada" has in almost all cases been interpreted very narrowly so as to mean almost nothing in times of peace. The power over such matters as trade and commerce has also been narrowly interpreted. In time of war, however, the courts have said that there was a national emergency during which the federal government could do almost anything under its power to provide for "peace, order, and good government." (2) The second example is section 92, clause 13, which gives provincial governments control over "Property and Civil Rights in the Province." In this case the courts have interpreted the phrase very widely, with the result that the power of the federal government to pass peacetime laws dealing with social and economic problems has been very severely restricted. This was shown when five out of eight such Acts passed in 1934 were declared *ultra vires*, that is, beyond the power of the federal government. Among the subjects dealt with by these Acts were the marketing of natural products, minimum wages, and unemployment insurance. Following the ruling of the court, the provincial governments agreed to an amendment with regard to the last mentioned, and as a result unemployment insurance came into effect on July 1, 1941.

Results of the Interpretation of the British North America Act. Some very important results have flowed from these interpretations of the British North America Act. One, which already has been mentioned, is that Canada may almost be said to have two constitutions, one in war and one in peace, since the federal government may control in war many things which the courts have said come in peace within the provincial control over property and civil rights. An illustration of this

* These courts are dealt with in Chapter VI.

was the economic controls of prices, trade, etc. put into effect by the federal government during the Second World War. These went much farther than the Acts of 1934, which were declared *ultra vires*, would have done.

A second result is that in peace time, while the federal government can raise money in any way it pleases, it cannot spend money on matters which have been declared by the courts to be provincial. The provinces, on the other hand, are limited in raising money, but their responsibilities in matters like public health and welfare have increased enormously since 1867. In other words the federal government may have the money but it has not the power to act in these matters, while the provinces have the responsibility but may not have the money. What to do about this problem was a principal reason for appointing the Rowell-Sirois Royal Commission in 1937. Its recommendations were not put into effect, and with the outbreak of war in 1939 the question ceased to be pressing until the return of peace.

A third result is that the Canadian government cannot carry out treaties on matters like labour conditions which have been declared under provincial control, without the unanimous consent of the provinces. This prevented Canada from ratifying certain international agreements before 1939, and might again be a serious handicap in Canada's conduct of her international affairs.

Canada's federal difficulties are thus very real. Canadians, however, should not make the mistake of thinking that Canada is the only country with such difficulties or that they are insoluble. Something may be done by amendment of the British North America Act. A great deal also may be done by co-operation between the federal and provincial governments and among the provinces themselves. There are already examples of such co-operation, but it could go much further in a large number of matters which have to do with the general welfare. In any case, we may be sure that without co-operation no amount of tinkering with the machinery of government will effect a cure.

CHAPTER VI

THE RULE OF LAW

To visit a courtroom and follow the course of a trial is one of the most interesting of all possible lessons in citizenship. The writer vividly remembers such an experience when he was a High School student. The accused, a Chinese laundryman in a Western town, was charged with murdering a white boy by striking him on the head with an iron. The defending attorney was the most eminent lawyer in the province. When the jury was completed, the calling-up and cross-examination of witnesses began. No one had seen the boy killed, but the circumstances were exactly described — the room, the precise location of the ironing table, the stove, etc. Photographs were produced in court, also the iron. Toward the end witnesses were called by the defence who testified that the Chinaman and boy were friends, that the boy often went into the shop, that they had never been known to quarrel, and that the accused was a peaceful and law-abiding person. Finally he went into the witness box himself, although he was under no obligation to do so. Through an interpreter he told his story, which was that the boy had come into the shop without his knowing it, and that, turning quickly to put an iron back on the stove, he had struck him on the temple.

The prosecuting and defending lawyers then addressed the jury, each going especially over the evidence which favoured his side. Then the judge spoke to the jury, again going over the arguments pro and con, and instructing them that it was their duty to decide questions of fact, the principal one in this case being — was the blow intentional or accidental? The jury retired, and after an hour came back to announce as its verdict, "Not guilty."

The Rights of the Individual Before the Law. This case illustrated, as others also would, at least some of the rights of the individual before the law in Canada — rights which have been built up through centuries of British and Canadian practice. At bottom there are two, the right to a fair trial and the right of the accused to be considered innocent until proved guilty. Added to these are many safeguards, in the trial itself and before it takes place.

By the rules of evidence and cross-examination, for instance, the accused cannot be forced to testify against himself, nor a husband or wife against each other. Evidence of the bad character or previous criminal record of the accused is not allowed, unless he has first brought in evidence to prove good character. This is because the accused is being tried only on the matter with which he is charged. If he is proved guilty, however, evidence as to his previous character may be brought in to help determine the severity of the sentence. Hearsay and rumour are not allowed as evidence. A witness cannot say that he was told so-and-so by someone else. Moreover, if the accused has made a confession before the trial, he cannot be convicted on this alone unless the prosecutor can prove that the confession was free and voluntary. This is meant to discourage the use of force or "third degree" methods as they are often called, in obtaining confessions at the time of arrest. The temptation of the police to use unreasonable force in dealing with hardened criminals is very great, but such practices are a first step toward more extreme methods such as the use of torture, which has been expressly forbidden for a very long time under British law.

There are many other safeguards for the individual in addition to those in the rules of evidence. If the accused has no lawyer, the court arranges for one unless he prefers to conduct his own trial. If he is kept in prison an unreasonable time or without a charge being stated, he may apply for a writ of Habeas Corpus. Jury trial is also a safeguard. The accused has the right to trial by a jury of people from his own locality; or, if he thinks they may be prejudiced against him, to a jury from



(From the painting by Norman Rockwell)

FREEDOM FROM FEAR

elsewhere. The names of the jury cannot be published, nor may they receive any communication during the trial. It is the duty of the jury to determine questions of fact, and of the judge to determine questions of law. The trial is thus a com-

bination of the expert and the ordinary citizen. The judge is expected to instruct the jury as to what points they must decide, and he may even give them his opinion with regard to the value of the evidence. If, however, he shows partiality for one side or the other he will give ground for an appeal. A convicted person has not only the right to appeal for a new trial, if he feels he has been tried unfairly, but also the right to ask for pardon. These requests go to the Crown, one of whose oldest rights is the right of pardon, that is, to the "Governor-in-Council," which means that they are settled by the Minister of Justice.

Another means of ensuring fair trial is that trials are open to the public, and may be reported in the press. A trial behind locked doors is not justified except for some unusual reason such as the protection of vitally secret information. Newspapers, too, may not comment on the way the trial is conducted until it is over, since there must be no interference with the independence of the courts.

The citizen has, moreover, safeguards which come into effect before he is accused of crime. He may not be arrested without evidence or without knowing the charge brought against him. When arrested, he must not be forced in any way to make a statement; and, if he wishes to make a statement, he must be told that he need not do so, but that if he does, what he says may be taken down in writing and used as evidence against him. Nor may his house or property be searched unless the police have a search warrant, which he may demand to see, and which must specify the place to be searched and what is being looked for.

The citizen under British and Canadian law has, in other words, the right to be regarded as a "free and lawful man" unless it has been proved that he is not. Only in time of war, as has already been explained in Chapter II, is any modification of these principles justified, and that only in as few cases as necessary.

We may realize what these safeguards mean if we understand what has taken place in totalitarian countries. There,

WARRANT TO SEARCH

(Code Form 2, Section 630)

NOTE—Follow wording of Information as nearly as may be.

CANADA,
PROVINCE OF ONTARIO,
COUNTY OF YORK,
CITY OF TORONTO.

To all or any of the Provincial Police in the Province of Ontario, and to all
or any Peace Officers and Constables in the said Province.

To Wit:

Whereas it appears on the oath of.....Thomas Jones.....
of the.....City.....of.....Toronto.....in the.....County.....
ofYork.....
that there are reasonable grounds for believing that certain books, documents, letters,
and papers

which are being sought on the ground that they will afford evidence that.....Richard Roe.....

on the 3rd day of December in the year 1944
at the City of Toronto in the County of York
did obtain by false pretences with intent to defraud from A.B.
the sum of one hundred dollars in money

contrary to the provisions.....of section 405.....of the Criminal Code
are in the premises occupied by the said Richard Roe at No. 10 Blank Street

in the City of Toronto in the County of York.

This is therefore to authorize and require you between the hours of eight o'clock in the
forenoon and nine o'clock in the afternoon
to enter into the said premises, and to search for the said things, and to bring the same before me or some other
Justice,

Dated this 2nd day of January in the year 1945

Sgd. _____
Magistrate
in and for the Province of Ontario

secret police may arrest anyone without stated cause, may break into, search, and seize property without a warrant, and may disregard every private right without a word of explanation, or without any possibility of appeal to the courts. What is worse, the accused may disappear without relatives or friends knowing why he has been arrested or where he has been taken. In such a situation the very basis of democratic government is undermined.

Criminal and Civil Cases. We have been speaking so far of criminal cases. A criminal case is one in which the person is accused of committing an act great or small (from murder to petty theft, for instance) which may or may not involve harm to another person, but which does break the laws made for the protection of the whole community. These laws, to use the ancient phrase, are the Queen's law, and anyone who breaks them is therefore prosecuted by the Crown in the name of the Queen. This is why a criminal case is described as *Regina vs. the accused*. A civil case, on the other hand, is one involving a dispute between individuals or associations, such as companies, trade unions, etc., in which one of the parties sues the other for damages or redress.

Suppose, for instance, that a storekeeper believes that one of his clerks has stolen money from him, which the clerk denies. The employer may go to the local court and lay information against the clerk, i.e., describe what he thinks has been done. The magistrate issues a warrant, and the police with this authority arrest the clerk, who is brought up for trial on a criminal charge. He is prosecuted in the Queen's name, and the prosecuting lawyer is the Crown Attorney, who is employed by the government. Suppose, however, that the storekeeper sells an article to a customer and that a deadlock arises over completing payment for it—the customer claiming that the article was defective and the storekeeper demanding his money. Either may now go to a lawyer who may file a claim in court against the other party, and a civil case is begun in which each party has his own lawyer.

The Independence and Dignity of the Courts. Whether the cases be criminal or civil it is of the utmost importance that the dignity and independence of the courts be maintained. If a general impression were to arise that the courts were merely the tool of a single party, or that individuals, groups or classes of people could not get justice in them, we should be on the first step toward mob rule or dictatorship — toward rule by force and not rule by law.

In modern Britain, the government and people have been particularly sensitive about the independence and dignity of the courts, and in this matter Canada has tended to follow British example. Judges are appointed for life by the Governor-General-in-Council, and can only be removed for some act of gross misconduct, and by a resolution passed by both the Senate and House of Commons. Judges must not take part in politics and are not allowed to vote. The position of judge is regarded by the public and the legal profession as one of honour and responsibility.

A judge is in complete charge of the conduct of the court, and in Canada judges take care to see that proceedings are carried on with dignity and good order. "Contempt of court" is a serious matter and covers a wide range of offences, such as creating a disturbance in court, misreporting a trial, or defying the order of the judge on some point of conduct. No picture of a trial or of a court in session appears in this book, for instance, because the taking of such pictures is not allowed in Canada. This is but one illustration of the effort which is made to avoid sensationalism in court proceedings and to preserve a calm and judicial atmosphere.

The Rule of Law in a Democracy. We can now see more clearly what is meant by the phrase "The Rule of Law." It means, above all, that the government itself is not above law, that it respects the independence of the courts, and the safeguards of the citizen's liberties. In a dictatorship the exact opposite is true. There "the law is what the ruler decrees." The government and its secret police are therefore above the

written law, and the courts are forced to put into effect whatever the government may order to suit its purposes at any moment. Under such a system there is an end of liberty and safeguards, the police become an unchecked instrument of terror, and the courts are powerless to give the citizen protection. For the citizen who is accused by the government there is no jury, no public trial, and no right of appeal. The rules of evidence are what the police say they are. Suspicion and the word of an informer are sufficient for conviction.

The rule of law and the parliamentary system have been well called the two pillars of freedom, and their fundamental importance is recognized in the coronation oath which is taken by the Queen as representing the powers of the Crown.

1. Will you solemnly promise and swear to govern . . . according to the Statutes in Parliament agreed on and the respective Laws and Customs of the Same?

I solemnly promise so to do.

2. Will you to your power cause Law and Justice, in Mercy, to be executed in all your judgments?

I will.

The position of the army and the military authorities is a striking illustration of the rule of law in the British and Canadian system. Except in combat areas in wartime, or in some extraordinary emergency in peace when martial law is temporarily declared, the man in uniform is subject not only to military discipline but to the law of the land. For breaches of military discipline he is tried according to military law, but for other offences he is subject to the civil, that is the ordinary, courts. Nor can he plead, if he breaks the law, that he was obeying the orders of a superior officer. This may put him in an extremely difficult position. For instance, if a soldier were ordered, while guarding a certain property, to fire on a mob, and in doing so killed someone, he would be tried for murder in a civil court. The fact that he was ordered to fire would be an argument in his favour, but it would not relieve him of responsibility if the jury decided that the firing were

not justified. There was a famous case of this kind in 1770 just before the American Revolution when British soldiers who had fired on a Boston mob were put on trial before a Boston court and jury, and acquitted.

The soldier under British law does not cease to be a citizen. Putting on a uniform does not free him from responsibility. On the contrary, it puts him under a double responsibility. The opposite is true in countries where the rule of law does not prevail. There the soldier has no obligation but to obey his superior. He is freed from every other responsibility. The army is thus a law unto itself, it is placed above the law, and it becomes part of the uncontrolled power of a government which rests on force.

The Canadian System of Laws and Courts. In the last chapter it was pointed out that under the British North America Act Canada has a common system of criminal law for the whole country. It is true that the provinces, under the powers given to them, can also make laws the breaking of which is punishable by fines and imprisonment, and that under the provinces the municipalities can do the same. Traffic laws are an example. But such laws are not regarded as part of the criminal law proper. They are, rather, regulations to suit local conditions.

Civil laws which have to do with property holding, business relations, and many similar matters, are mostly provincial, and vary somewhat from province to province. The greatest variation is, of course, between Quebec and the other nine provinces. The French civil law which was confirmed in the province by the Quebec Act of 1774 differs in many ways from that of the other provinces on questions such as inheriting property. The procedure of civil trials also differs, jury trials, for instance, being used less than in the other provinces.

One other point with regard to Canadian laws needs a word of explanation, the difference between common and statute law. In the early days of English history, before there was a

Parliament, the laws were mostly the customs handed down from generation to generation. This common law, as it was called, was preserved and interpreted according to changing needs by lawyers and judges in the common law courts. The decisions of these courts became "precedents," and as time passed the common law was thus organized and strengthened. With the establishment of Parliament, however, new laws were made, and old laws were changed by Act or statute. Thus, as more and more law was written in Acts, statute law encroached on common law. Nevertheless, the common law continued; and in the seventeenth century it was one of the chief bulwarks against the development of a despotic Stuart monarchy. Only in England did such common law survive. Elsewhere in Western Europe common law was replaced by government-made law which tended to glorify the power of the state. From England the common law spread to the rest of the English-speaking world including Canada, and in these common law countries, as they are sometimes called, the common law is an important part of the background of democratic government.

The Canadian system of courts is a network of at least fourteen kinds of courts covering the whole country and dealing with many different kinds of cases. It is impossible to give an adequate description of all these courts within the limits of this book, but the table printed on pages 84-5 will give at least a suggestion. The system can be said to resemble a pyramid, with the Supreme Court of Canada at the top and many Division and Magistrates' or Police Courts at the base. In addition to these there are a number of special courts, and also boards of various kinds which are not courts proper but do a very important work in deciding disputes or trying to bring about settlements. These special boards have increased in recent years, a tendency which has sometimes been criticized on the ground that governments will weaken the regular courts by setting up too many special courts. Among the most useful

THE CANADIAN SYSTEM OF COURTS

1. **Supreme Court of Canada.**

This Court sits in Ottawa three times yearly, in February, April, and October. It is a court of appeal from all other courts in Canada, and hears cases between the Dominion and provinces, and cases which require the interpretation of the British North America Act.

2. **Exchequer Court.**

This court hears cases of claims brought against the Crown, and also cases involving patents, trade marks, etc.

3. **Admiralty Court.**

This court hears cases involving navigation, ships, claims for damages at sea, etc.

The remaining courts are those in the Province of Ontario.

There are slight variations in other provinces.

4. **Supreme Court of Ontario.**

(a) Court of Appeal. This court hears appeals from other Ontario courts and from (b).

(b) High Court of Justice. The justices of the High Court hold assizes at least twice a year in each county for the trial of important cases both criminal and civil.

5. **County courts.**

These courts try lesser cases, both civil and criminal, such as claims for damages involving limited sums of money (usually \$500 or less).

6. **Surrogate courts.**

The probate of wills, the administration of estates, etc. are dealt with by these courts.

7. Special courts.

These deal with bankruptcy cases, disputes over assessments or taxation, cases involving corruption or improper procedure in elections, etc.

8. Division courts.

A county is divided into areas within which these courts have jurisdiction. They hear only civil cases involving small debts or claims, in which, as a rule, less than \$200 is involved.

9. Magistrates' courts.

These try persons accused of petty offences, such as small thefts, traffic violations, etc. They also give a preliminary hearing to persons accused of major crimes, and if there is sufficient evidence, send them for trial to a higher court.

10. Coroners' courts.

These conduct "inquests" to investigate cases of death where the cause or the responsibility is uncertain.

11. Administrative boards.

These include the Board of Transportation Commissioners, the Workmen's Compensation Board, etc. They are not courts, properly speaking, but have power to settle a wide range of cases having to do with their spheres of authority.

12. Boards of arbitration.

These attempt to reach settlements by compromise and arbitration, and their decision may by agreement exclude any reference or appeal to the ordinary courts.

13. Military courts and boards of inquiry.

These are conducted by the military authorities and deal with cases involving breaches of army discipline.

14. Juvenile courts.

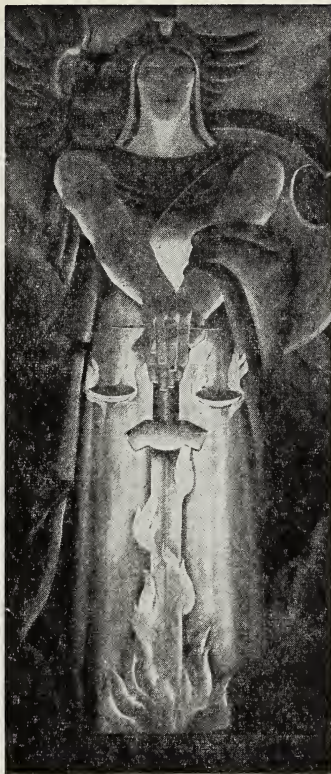
When these courts are set up they have a special jurisdiction under Dominion Statute (The Juvenile Delinquents Act) and Provincial Statute (The Juvenile Courts Act).

of the special lower courts are the Juvenile Courts established in certain cities to deal with children who have got into trouble but who may be saved by careful treatment from becoming criminals.

The Judicial Committee of the Privy Council, the highest court in Great Britain, was for a long time the highest court of appeal also for Canada. And yet it was not strictly Canadian. It was, in effect, the highest court of appeal for the whole Commonwealth, but has gradually become more and more limited as various member-nations of the Commonwealth have decided to use it no longer. It used to hear a limited number of important cases from Canada each year, especially those requiring interpretation of the British North America Act. However, when the Canadian Parliament decided in 1949 that it wished to have all Canadian appeals heard in this country in Canadian courts, the Judicial Committee ceased to have any jurisdiction in Canada, except in those cases which had been referred to it before Parliament's decision.

How Can Respect for Law be Encouraged? A Canadian public man speaking in the autumn of 1944 stated that in the last quarter-century convictions for serious offences in Canada had increased 300 per cent. Britain with nearly four times Canada's population had only about the same number. In serious, or what are called indictable, offences there fortunately now seems to be a decline. The convictions for these in all Canada amounted to 41,632 in 1948 and in 1949, the highest year, to 48,107. Convictions for non-indictable offences such as drunkenness, violation of traffic regulations and game laws, etc., increased in the same years from 428,608 to 876,645. Canada is, on the whole, a law-abiding country, but these are very disturbing facts. What is the reason, and what is the remedy, for such law-breaking?

Defects in the laws themselves and in their enforcement are among the causes of law-breaking. Too many and too severe



(Peter A. Juley and Sons)

THE SPIRIT OF JUSTICE

The essential qualities of justice, such as wisdom, impartiality, and power, have been skilfully symbolized in this painting.

laws will in the long run defeat themselves. Even a dictator cannot enforce laws against general opposition or indifference. In a democracy, where people will not put themselves into the clutches of a secret police, such laws will defeat themselves much more quickly. On the other hand, laws must not be weak. They must be strong enough to be respected, and they must be amended wisely to meet new conditions.

Defects in enforcement can be as serious as defects in the law. If enforcement is weak it encourages crime, but if it is unfair and unreasonable it will arouse opposition. If court sentences are too light or too heavy, or if they appear to favour certain individuals or groups, respect for law is undermined. The courts and police must themselves respect the law, if they expect others to do so. Corruption and Gestapo methods would soon destroy respect for law. The courts and the police thus have a duty of the highest public importance, and of very great difficulty, which demands constant co-operation between them and the public. Without doubt, Canadian laws and their enforcement have

defects which could and should be remedied. There are at times examples of injustice, of weak or inadequate laws, and of lax or unreasonable enforcement. The jury system has, for instance, been criticized on the ground that it makes men into hardened criminals, and does too little to turn those who could be reformed into law-abiding and self-supporting citizens. The law cannot be perfect; but, whatever the justice of such criticisms, there is certainly room in these and other matters for improvement.

Such defects are by no means, however, the only causes of law-breaking in Canada. Poverty, ignorance, the lack of useful employment, the lack of healthful recreation, all play a part in encouraging law-breaking. Poverty and ignorance are not always causes of crime in individuals, but it has been often shown that crime is likely to be higher in places where poverty and ignorance are rife. Similarly, lack of useful employment and lack of healthful recreation breed crime. Nature, it is said, abhors a vacuum, and human nature does the same. If people, especially young people, do not have an opportunity to occupy their minds and their time with healthful activities, we can be sure that they will turn to other interests. Many a criminal has started as a boy with petty offences because he had nothing better to do than get into mischief. Any community which fails to provide useful employment and healthy recreation is directly encouraging the increase of law-breaking. Much is being done along these lines, but much remains to be done.

Worst of all in undermining respect for law is the lack of a feeling of responsibility on the part of many citizens. The law in a democracy must mean something made by the people themselves. It is not imposed from above, it comes from the people, and the only way to encourage respect for it is to have people feel that unless they support it they cannot preserve it. If people break the law even thoughtlessly when it suits their convenience, they cannot expect others to respect it. "Don't tell your boy to put down that trash and read Dickens unless you like Dickens yourself," a group of parents was told. It

was a commonsense remark, and equally true of the law. The old adage says, "An ounce of prevention is worth a pound of cure," to which we should also add, "An ounce of example is worth a pound of advice."

CHAPTER VII

LOCAL GOVERNMENT

So far we have scarcely mentioned the governing bodies of cities, towns, townships, and other municipalities. In 1948 they numbered no less than 3895,* and ninety-three per cent of Canada's population lived within their boundaries, most of the other seven per cent being scattered in areas too thinly populated to have municipal government. At first sight the whole picture of municipal government in Canada looks rather confusing. Because each province manages its own municipal affairs, there are many differences between various parts of the country. Actually, however, the picture is less confusing than it appears. There are really only two kinds of municipalities, the urban and the rural. The urban are the cities, towns, and villages; the rural are larger areas where population is more scattered. One of the reasons for the apparent confusion is that rural municipalities go by different names in different provinces. In Nova Scotia they are called municipalities;

*The *Canada Year Book* classifies the Canadian municipalities for 1948 as follows:

	Cities	Towns	Villages	Rural	Total
Prince Edward Island	1	7	—	—	8
Nova Scotia	2	41	—	24	67
New Brunswick	3	19	4	15	41
Quebec	30	124	317	1084	1555
Ontario	29	145	156	571	901
Manitoba	4	33	27	115	179
Saskatchewan	8	83	398	303	792
Alberta	7	57	132	59	255
British Columbia	34	—	35	28	97
Total:	118	509	1069	2199	3895

This does not include the 76 counties of Quebec and the 38 counties of Ontario whose councils are not directly elected. In Prince Edward Island there are no rural municipal governments. Newfoundland did not enter Confederation until 1949. It had one city, a few towns, and fourteen rural districts in 1948.

in New Brunswick, counties and parishes; in Quebec counties, townships and parishes; in Ontario, counties and townships; in Manitoba and Saskatchewan, rural municipalities; in Alberta, municipal districts; and in British Columbia, districts.

The Responsibilities of Municipal Governments. From any point of view, municipal governments are important. On page 105 there is a group of charts showing the revenues and expenditures of the federal, provincial, and municipal governments in 1939. It will be seen that municipal governments in that year both collected and spent more money than the provincial governments. There are several cities in Canada whose expenditures are actually larger than those of the provinces in which they are located. These facts do not mean that municipal governments are more important than provincial governments; but they do mean that municipal governments have an essential and very large part to play in the work of governing the country.

There is another test of the importance of municipal governments which any one may try for himself, and that is to think of the many ways in which municipal governments touch our daily lives. Even in the rural districts, where their responsibilities are fewer, they have to do with schools, roads and bridges, many matters dealing with health, policing, and so forth. In the cities their activities and responsibilities seem almost endless: schools, roads, sidewalks, water, light, fire protection, policing, street cleaning, sewage, garbage collection, regulations with regard to the size and construction of buildings, the licensing of businesses, the control of traffic, the inspection of milk and food, precautions against disease, other health regulations, hospitals, parks, playgrounds, libraries, and so on. In fact, it seems that almost everything which has to do with the safety, convenience, health, conduct, recreation, and education of the public is controlled or affected in some way by municipal governments.

The Modern Development of Municipal Government. Municipal government as we know it, however, is a comparatively

modern development even in countries like England. It is true that its origins go back a very long way; the shires with their sheriffs or "shire reeves" go back, for example, into Anglo-Saxon times before the Norman Conquest. But in England, municipal governments were put on their modern basis only with the Municipal Reform Act of 1835. Until almost that time people did not even begin to think about many improvements which we now consider to be essential. Sanitation, sewage and garbage disposal, and the importance of a pure water



(Toronto Public Libraries)

WINNIPEG, FORT GARRY, 1872

supply were things about which people were blissfully ignorant or indifferent. The world of germs was as unknown as America before Columbus, and the fly was still only a harmless nuisance. Garbage was thrown into the streets to be trampled into the mud or eaten by animals and birds. Cobblestone roads were almost a luxury, pavements were unheard of. Gas and electric lighting and electric tramways were still to be invented. City streets were unpoliced. Not until 1829 did the London "Bobbies" appear on the streets of London, and even this first modern English police force was established by the British government. Other police forces, established by municipalities, came later.

If these things were true of England, it is no wonder that in Canada a century ago municipal government was in its infancy. The city of St. John in New Brunswick was incorporated in 1785, but the idea of elected municipal councils did not gain any headway for another half century. Not until 1834, for instance, was Toronto incorporated and a mayor and council elected.



WINNIPEG FROM THE AIR

In the next few years, however, there were signs of a change. Lord Durham in his *Report* strongly advocated the establishment of elected municipal governments, and after the union of Upper and Lower Canada in 1841 the development was rapid. Finally, the Municipal Act, passed in 1849, laid down the main features of municipal government in Ontario, some of which are recognizable even at the present time. Some of these features were copied later in the Western provinces, so that this Act is probably the most influential single piece of legislation on municipal government in Canadian history.

Not until considerably later, however, did municipal govern-

ments begin to do most of the things which they do now. It was only in 1878, for instance, that all firemen in Toronto became paid employees of the city. Up to that time fire fighting had been done altogether or in part by volunteers. In the same decade the city bought the waterworks and began to operate them as a municipal enterprise. These are illustrations of a development which was, in fact, very common. Services such as fire protection, waterworks, and lighting, which at first were supplied by volunteers or by private companies, were more and more taken over by municipal governments. At the same time new services were begun. It was in 1884, for example, that the Ontario government required all municipalities to appoint local boards of health.

Municipal government developed at first more slowly in the Maritime Provinces than in Ontario and Quebec. It was not until after Confederation that elected councils were established, and in Prince Edward Island these are still limited to one city and seven towns. From these and many other illustrations we can see how recent is the growth of municipal activities on the scale which we have at present. Almost certainly, however, they will grow still more. In the past twenty-five years there have been great developments in transportation and road building, in the prevention of disease, and in many other matters which affect municipal governments. These developments are likely to go on still more rapidly. Federal and provincial governments will undoubtedly have more and more to do with them, but even so, municipal governments will find themselves faced with new problems and greater responsibilities.

The Provinces and the Municipalities. Under the British North America Act local government is placed entirely within the control of the provinces. In each province, therefore, municipalities are incorporated, i.e. legally established, by the provincial government which also determines their power and duties. In every province except Prince Edward Island there is now a Department of Municipal Affairs with a Cabinet Minister in charge, and these Departments have grown enormously

in recent years owing to the increase in responsibilities and expenditures of municipal governments. The provincial government gives advice and supervision in many ways, especially when municipalities get into financial difficulties or are likely to do so. The municipalities also have to work very closely not only with the Departments of Municipal Affairs but with other Departments such as those in charge of education, highways, and health, since the matters which come under their control require constant co-operation between provincial and municipal governments.

One other point should be mentioned. In all but the three Maritime Provinces there are large areas still too thinly populated to have councils, and these areas are directly controlled by the provincial governments. Ontario has eleven such districts in the northern part of the province; although, where there is sufficient population, these are divided into townships with township councils which have control of such matters as local roads and bridges.

The Government of the Local Rural Municipalities. Rural municipalities in all parts of Canada are governed by elected councils, but these differ in the various provinces in size and in the arrangements for their election. In Nova Scotia, for instance, they are elected every three years; in New Brunswick, two councillors are elected yearly from each parish.

In Ontario and Quebec the county councils are not elected directly and the system therefore requires a brief explanation. What is said for Ontario will serve also for Quebec since the arrangements are very similar in the two provinces.

The county councils in Ontario are made up of reeves and, in most cases, deputy reeves who have already been elected to serve on the councils of the towns, villages, and townships which make up the county. The southern part of Ontario is divided into forty-three counties. Of the local municipalities lying within the counties, seven towns and all cities have councils entirely separated from the county councils; but most of the towns, like the villages and townships, share with their

county in the control of interests which they have in common such as roads, health, welfare, education, etc. The division is very well seen, for instance in the matter of roads. The province looks after the main highways, but next to these the chief roads are under the control of the county, while the townships are responsible for the lesser roads, and the towns for their own streets.

A township council consists of a reeve and four councillors. A village may be incorporated where there are at least 750 people living within an area of 500 acres, and a village council like that of a township is made up of a reeve and four councillors. When a village grows to the point where it has one thousand voters, however, one of the councillors becomes a deputy reeve, and he is entitled like the reeve to a place in the county council.

When a village reaches a population of two thousand it may be incorporated as a town. The town council consists of a mayor, a reeve, and two or three councillors elected for each of the wards into which the town is divided (three for each ward where there are fewer than five wards, and two for each ward where there are five wards or more). For each thousand votes one of the councillors is named a deputy reeve, and takes a place along with the reeve on the county council. The larger towns thus have a greater representation in the county council than the smaller towns or the villages and townships.

The elections for all councils are held annually, and each county council appoints after the election one of its number as a presiding officer, who is called the warden. In each county there is a county town with a court house and jail, and accommodation for the county offices and the meetings of the county council.

Counties are not found in the Western Provinces, where the general pattern prevails of village, town and city (under various names) in the organized, populated areas, and direct provincial control in the spaces between. In Alberta a village may be incorporated when there are thirty-five occupied dwellings together. It is governed by a council of three, one of whom is

mayor. Towns must have a population of 700, and the rate-payers elect a mayor and six councillors. A community may be chartered as a city by private Act of the Legislature when it has reached a population of 3,000. Its government centres upon a mayor, and, usually, eight or ten aldermen. The municipal governments of British Columbia are not as consistently organized. Villages, districts and cities are found incorporated as such less by size than almost by whim. This is the result of somewhat inconsistent regulations during the period before 1920. Since that time organization has followed a more logical course.

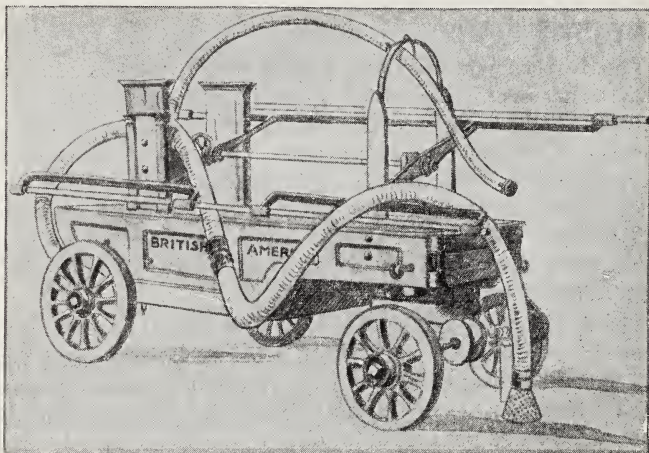
The Government of Local Urban Municipalities. In Ontario, as has been noted above, all cities and seven towns have councils which are completely separated from the counties or districts in which they are situated. The same is not true in every province, however. In New Brunswick there are two cities which are governed as parts of the counties to which they belong, while, on the other hand, there are throughout the country several scores of towns and even villages which have independent councils.

The size of cities also varies greatly. In Ontario a town must have a population of 15,000 before being incorporated as a city, but there are cities elsewhere with very much smaller populations. Slocan, B. C., for instance, which has been a "city" for many years had a population of only 475 in 1949. The meaning of the term "city", then, varies widely in different parts of Canada.

The common form of government for a city or town is a mayor, and a council of councillors or aldermen, who are usually elected by wards. In British Columbia, however, the larger cities have dropped the ward system. Vancouver, for instance, has a council of only eight members, four being elected each year by the whole city for a two-year term.

The usual ward system has given rise to two main variants, called the "weak mayor" and "strong mayor" systems. Winnipeg, with a Mayor and eighteen Aldermen — six from each

of three wards — is an example of the first. The City government is really in the hands of the committees and boards of the Council, which have wide powers, while the Mayor remains something of a figurehead. Halifax is an example of the "strong mayor" system. There the Mayor is chairman of all the Committees into which the Council of twelve Aldermen — two elected from each of six wards — is formed. He also controls the budget. Naturally enough, the finances of a municipality are the key to its control.



(Toronto Public Libraries)

TORONTO'S FIRST FIRE ENGINE

In 1837 the British America Insurance Company presented a "fore and aft" engine to the city.

In some of the larger cities there is in addition to the mayor and council a small elected committee usually called a Board of Control, whose members along with the mayor act as an executive committee for the council. In Toronto there are four controllers elected by the whole city. They sit and vote in council, but they are also specially paid since their duties require practically their entire time. The Board prepares

estimates for the levying and spending of money. It awards contracts, hires and dismisses municipal employees, and is responsible for the maintenance and inspection of all municipal works and services. It thus has a very great responsibility in the management of the city, although its recommendations must be approved by the council. In Montreal there is no Board of Control, but there is an Executive Committee of five, of which the mayor is not a member, which has very extensive powers especially with regard to financial matters. Besides this Committee there are the Mayor and a very large Council of 99 members. Councillors are of three types: (a) elected by property-holders; (b) by property and non-property-holders together; (c) by specific groups in the City, such as trade unions, chambers of commerce, McGill University, and others. The Executive Committee and its Chairman, the Executive Director, are in the same position in the City government as is the Cabinet in the Federal Government. Similarly, the Council resembles Parliament and the Mayor the Governor-General, although he has a little more power. Such a system, of course, is practical only in a very large city.

City government thus shows many variations, and much experimentation. Montreal is said to have had fourteen systems in its first hundred years as an incorporated city.

Another form of municipal government which is especially common in the Province of Quebec, but which has been adopted in such cities as Victoria, B. C., Lethbridge, Alberta, Saint John, N. B., and Chatham and Woodstock, Ontario, is the city manager system. Under this plan a manager is employed at a substantial salary by the city council, to carry on administration on a businesslike basis. He has wide responsibilities for the execution of civic affairs, but remains under the final control of the council, which confines itself in the main to the broader aspects of policy-making. This is still a new idea to many Canadians, although the first Canadian city to adopt the city manager plan, Westmount, Quebec, did so in 1913. Consequently a good deal of citizen-education must be carried on before any decision is made for or against adoption

of the plan. Where conditions are right and the people actively interested, the plan has usually been successful.

All municipal councils have the right to pass by-laws* and to levy taxes, and each municipality has permanent officials, such as the clerk and the treasurer, who are appointed by the council to carry on the administrative work under the council's direction. In the large cities the number of these employees runs into hundreds. All the actions of the council and its officials must, of course, be in accordance with the laws of the province, since municipal governments have only such powers as are assigned to them by provincial statute.

Local police in the counties and smaller municipalities are appointed by the council. In larger cities, however, the police are under a Board of Police Commissioners, composed of the mayor, a judge of the county court, and the police magistrate. The purpose of having such a board is to remove the police from direct political influence. For the same reason other special boards, such as harbour boards, library boards, hydro commissioners, and transportation commissioners, are often appointed, particularly for matters which require expert management and carefully planned policy.

This combination of elected representatives and appointed boards in municipal government is capable of much expansion, and as municipal problems grow there is likely to be a great deal of experiment along these lines.

The Control of the Local Schools. In Canada the schools are treated as a special problem which does not come directly under the authority of the municipal councils. In both rural and urban municipalities elected school boards, varying in size from three to several times that number, are responsible for all school matters, such as buildings, equipment, and the hiring and dismissal of teachers. These boards obtain their money through the municipal councils, part of whose taxes are levied for school purposes. In managing the schools the local boards

* A by-law is literally a town-law, by or bye being an obsolete English word for town.

work directly with the provincial Department of Education, which decides on the courses to be taught and the textbooks to be used, and regularly sends out inspectors to visit the schools. The provincial governments also make direct grants of money to supplement the municipal school tax.

Who can Vote in Municipal Elections? As with everything else in municipal government there is great variety in the regulations for voting. Most municipalities, however, restrict the franchise in some way to property-holders, tenants, and tax-payers. In some places only owners are allowed to vote on certain questions involving expenditure of money or increased taxation. In others, such as the city of Vancouver, for instance, husbands or wives of property-holders, tenants and tax-payers have the vote. The municipal voters' lists are thus usually quite different from those for federal or provincial elections. The city of Winnipeg gives the vote to adults regardless of property qualifications, but this is exceptional.

The Importance of Municipal Government. Local self-government has sometimes been called the corner-stone of democracy. This is a strong statement, but it is well justified. In local governments there are thousands of elected representatives as compared with hundreds in Dominion and provincial governments. These local governments are, therefore, a training ground in democratic methods. They are all the more so because they are close to the people. The electors can watch closely what goes on, and see how their money is spent. In a country as large as Canada, where there is so great a variety in local conditions, it is especially important that local governments should be strong and active.

It is an unfortunate fact that, as a general rule, people take much less interest in municipal than they do in federal and provincial elections. In federal elections 70 per cent or more of the electors vote; in municipal elections the number is often not more than 25 to 30 per cent. This indifference is destructive of the spirit of self-government. Municipal governments will have more rather than fewer responsibilities in

future. People will expect more of them, and demand more from them. In particular they closely touch questions such as education, health, and recreation, which are rapidly increasing in importance, especially for young people. If local governments are to play their part, they must be democratic, wide-awake, and efficient. If they are so, they will be a bulwark for democracy throughout the nation.

CHAPTER VIII

PAYING OUR WAY

There is an old saying that two things are inescapable—death and taxes. Robinson Crusoe on his island escaped taxes, but surely he was the exception that proved the rule. In the oldest historical records which have come down to us, such as clay tablets, parchments, and writings on stone, there are references to taxation, and we may take it for granted that there never has been a government which did not levy taxes in some way or other.

In modern times, however, the forms and purposes of taxation have changed enormously. In the Middle Ages under the feudal system, for example, wars were carried on with very little expenditure of money. Noblemen and knights gave their services as fighters to their feudal lords not for money but for the lands which they held as feudal tenants.* It is only in recent centuries that governments have come to depend entirely on the collection of money, and the method of raising money by loans in the form of government bonds sold to the people is still more recent.

The purposes of taxation have changed just as much as the forms. Until recent times governments spent very little except on the expense of ruling and defending the country and on public works. These items are still an important part of government expenditure; but, within the last century and especially within the last thirty years, governments not only in Canada but in other countries have begun to spend very large sums on education, health, and other social services, which formerly were either neglected or left entirely to the individual

* In an account book of the English king Henry VII, for the year 1497, one may see such items as the following, showing how the expenses of government were at that time still mixed in with the king's personal expenses—the modern system of government finance had, indeed, scarcely begun: "To the Kinges commissioners in the weste parts, £333 6s. 4d.; for sixteen pairs of gloves, 5s. 4d.; to the Quenes fideler, £1 6s. 8.; to Bayly for watching the crows, 13s. 4d.; to hym [John Cabot] that founde the new Isle [Newfoundland], £10."

citizen. To this has been added the cost of two world wars, with the result that the amounts collected and spent by governments have risen to a height that no one fifty years ago would have imagined possible.

Every government, large or small, now draws up a budget before the beginning of each financial year in which it estimates the amounts which it will need to spend and collect. For a government like that of Canada this is a tremendous task, requiring the collection and study of masses of statistics with regard to the whole economic life of the country. The annual budget speech, given by the Cabinet minister in charge of finance, is always one of the most important in a federal or provincial parliamentary session, and certainly few parliamentary speeches are awaited more anxiously by the individual citizen.

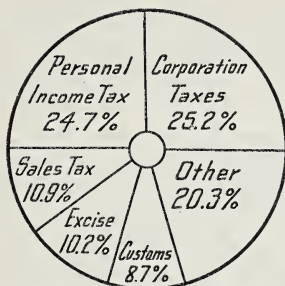
Some Important Changes in Canadian Government Finances Since Confederation. Perhaps the most striking change in Canadian government finances since Confederation is the great increase during recent years in the size of government revenues and expenditures. The following figures for several selected years give an idea of the change which has taken place:

	FEDERAL		PROVINCIAL	
	Revenue	Expenditure	Revenue	Expenditure
1871	\$ 19,335,561	\$ 19,293,478	\$ 5,518,946	\$ 4,935,008
1911	117,780,409	122,861,250	40,706,948	38,144,511
1921	436,292,185	528,302,513	102,030,458	102,569,515
1940	562,093,459	680,793,792	302,481,833	306,072,544
1946	3,013,185,074	5,136,228,506	501,789,000	508,878,000

It is, however, not only the total amount of revenue and expenditure which has increased. In the first years after Confederation the annual average expenditure of the federal government for each person in the population was less than \$6; by 1940 it had increased ten times, and during the war it went far beyond that. Here are the figures for some of the years:

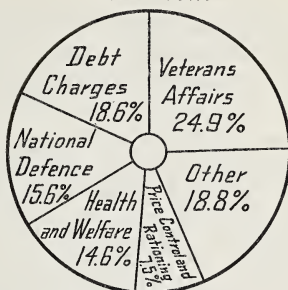
1871	.....	\$ 5.23	1939	.....	\$ 49.09
1911	.....	17.04	1942	.....	161.75
1921	.....	60.11	1945	.....	432.84
1926	.....	37.59	1949	.....	160.59

REVENUE

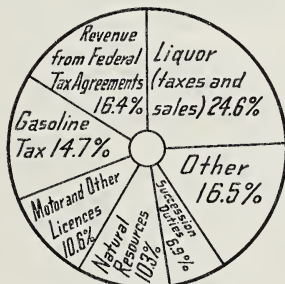


Sources of Federal Revenue
1946 total \$2,738,515,000

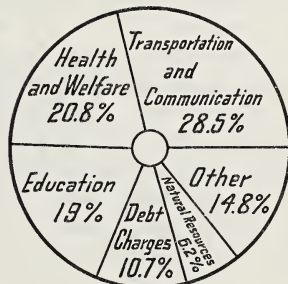
EXPENDITURE



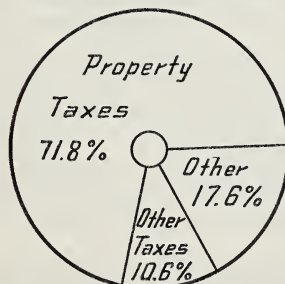
Federal Expenditures
1946 total \$2,339,903,000



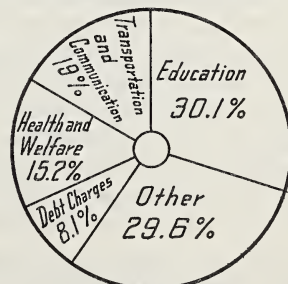
Sources of Provincial Revenue
1946 total all Provinces \$495,010,000.



Provincial Expenditures
1946 total all Provinces \$480,065,000



Sources of Municipal Revenue
1946 total \$382,630,000



Municipal Expenditures
1946 total \$392,000,000

Revenues and Expenditures of Federal, Provincial and Municipal Governments in 1946.

The enormously increased war-time expenditures could not, of course, be fully met by taxes, and very large government loans were made necessary. For the financial year 1943-4, the federal finance minister estimated that the federal government would require over six billion dollars. Of this it was estimated that \$2,617,000,000 would be obtained by taxation, and the remainder by borrowing. In the same year the national income was expected to rise to \$8,800,000,000, which was much the highest in Canada's history.* More than one-quarter of this income was, therefore, to be paid in taxation. Seventy years earlier, taxes took less than one-tenth of the much smaller national income of that time.

A second important change in government finances since Confederation is in the sources from which government revenues are obtained. In the chart on page 105, showing the sources of the federal government's revenue for the year 1946, it will be seen that income, corporation and sales taxes accounted for over 60 per cent of the total, while customs duties and excise taxes accounted for about 19 per cent. Before 1914 customs and excise duties produced over 90 per cent of the federal government's revenue. Not until the war years of 1914-18 did the federal government begin to use direct taxes such as the income tax, the sales tax, stamps on cheques, etc.

The sources of revenue for the provinces have also changed. In the chart for 1946 it will be seen, for example, that the automobile, through motor licences and the gasoline tax, was the most important single source of provincial revenue in that year, and that other sources such as the provincial share under the taxation agreements were also important. According to the War-time Tax Agreements, the provinces left the field of personal and corporate income tax to the federal government, on the understanding that they would share in the proceeds. None of these direct taxes was part of provincial revenue at

* In 1948 the national income reached \$12,588,000,000, and the federal government obtained \$2,452,075,395 by taxation. In this year revenues exceeded expenditures by some \$76,000,000.

Confederation; only in the last thirty years have they become really significant. On the other hand, the chief source of municipal revenue has not changed. The property tax, based on an assessment of value, is still much more important than any other.

A third important change is in expenditures. In the case of the federal government, the cost of defence has become a large item, 21 per cent of the total in 1939, and 42.9 per cent in 1951. To the direct cost of defence in any one year is added the enormously increased burden of debt which has resulted from two world wars. At Confederation, and for many years after, the cost of defence was negligible. In 1896, for instance, it was only 6 per cent of the federal government's total expenditure.

Another striking change in expenditure since Confederation has been the increase in the amounts spent for social services such as education, health, old age pensions, unemployment insurance, etc. At Confederation the amounts spent by various governments on these services was less than 14 per cent of the total expenditures. A glance at the charts shows that in the year 1939, 45 per cent of municipal expenditures and over 46 per cent of provincial expenditures were devoted to these services, in addition to the amount spent by the federal government. From 1874 to 1949, the amount spent on social services by governments in Canada rose from \$4 million per year to over \$450 million.

Finally, a word should be said about the importance in Canadian government finances of loans obtained from the people. Such loans were unknown for many years after Confederation, and in 1914 less than \$700,000 of the federal government's debt was payable in Canada. The first public loan was raised in 1915 as a war effort and astonished everyone by producing \$100 millions. During the war \$2,100 million was raised by public loans. During the Second World War this total was far exceeded. In the two loans of 1944 over \$3,000,000,000 was subscribed by more than 3,300,000 sub-

scribers, and in addition \$67,000,000 was raised by war savings stamps and certificates bought by thousands of boys and girls as well as adults. Canadians by such purchases have shown without hesitation that they have confidence in their country's future. In addition, they have the satisfaction of knowing that the public debt, although enormously increased, is now largely owed to Canadian citizens themselves.

The Financial Relations of the Federal and Provincial Governments. Although the federal and provincial governments carry on their finances separately, there has always been a relation between them. At the time of Confederation it was agreed that the federal government, because of its larger taxing powers, should pay the provinces certain annual sums of money as well as certain lump sums for special reasons, such as to assist with provincial debts. These "subsidies" varied with the different provinces but were an important part of provincial revenue, amounting in 1874 to nearly two-thirds of the total. As provincial expenses rose, however, the provinces had to raise more by taxation, and the subsidies became a smaller part of the total provincial revenue. By 1913 they were 28 per cent, and by 1921, only 13 per cent. The result was a great deal of agitation to have them increased.

In 1906 a federal-provincial conference was held at which an adjustment, then thought to be final, was agreed on, but this was by no means the end of the matter. In the following years certain provinces found it much harder than others to meet their growing expenses by increases in taxation. Ontario and Quebec, with their rapidly rising manufacturing and mining industries, were, for example, in a better position than the Maritime Provinces. In 1927, as the result of a Royal Commission report, a federal-provincial conference met and agreed that the subsidies of the Maritime Provinces should be nearly doubled. The depression of the 1930's, however, again made the whole problem of federal-provincial financial relations acute. It was one of the chief subjects studied by the



(Wartime Information Board of Canada)

CURBING INFLATION

Rowell-Sirois Commission, appointed in 1937, but the outbreak of the war in 1939 postponed any change.

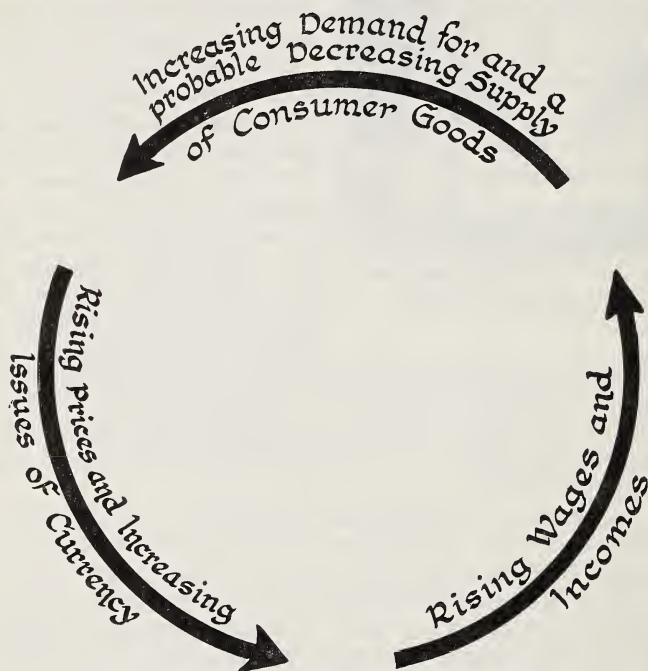
Since 1913, in addition to subsidies, the federal government has made grants for particular purposes to the provinces. These grants-in-aid, as they have been called, were, in the first instance, contributions for such purposes as improved roads, old age pensions, agricultural education, etc. During the depression of the 1930's, in addition to grants-in-aid, large emergency grants were also made for such

purposes as unemployment relief, and aid to drought-stricken areas in the West. Following the Second World War, discussions between the federal and provincial governments were renewed, and further changes were made in the grants made to the provinces.

The Fathers of Confederation appeared to think that the question of provincial subsidies and grants could be finally settled; but the experience since 1867 contradicts this. It shows, in fact, that the financial relations of federal and provincial governments are likely to grow rather than diminish as conditions change. In matters of public welfare and social services, which are increasing in importance, both kinds of governments must play a part, and municipal governments also come into the picture. The result, in all probability, will be that more rather than less negotiation and co-operation will be necessary in the future than in the past.

Our Taxes and Our Standards of Living. In recent years, as we have shown, taxes have been used more and more not

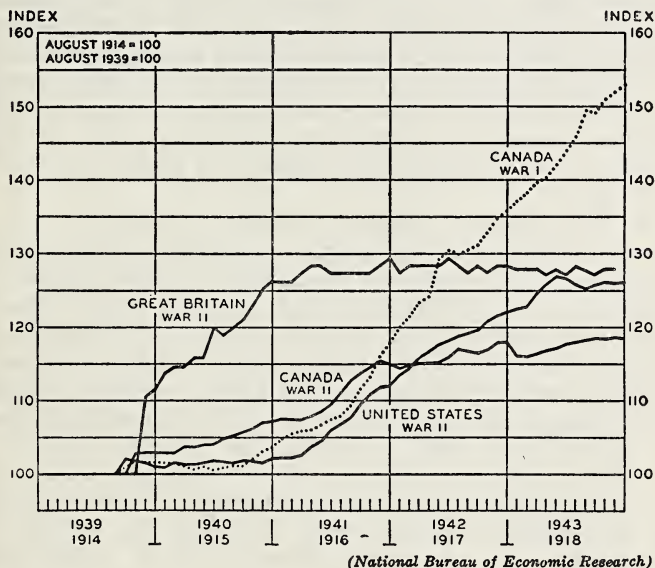
only for government expenses, defence, and public works, but for social services to improve the general standard of education, health, and security among the people. Taxes have, therefore, a very close relation to standards of living. A special, and most important illustration of this is to be seen



THE VICIOUS CIRCLE OF INFLATION

during the war and post-war years when there has been a very great danger of "inflation." By inflation we mean an extremely rapid rise in prices, which means at the same time an extremely rapid decline in the value of money. When these changes take place, they upset the whole economic life of the country, and cause the most acute want and suffering

among the mass of the people. In the most extreme cases of inflation, money has actually declined in value until it is scarcely worth the paper it is printed on, a bushel or cartload of it being needed to buy a pair of shoes or a suit of clothes.



CANADA'S COST OF LIVING IN TWO WARS

The chart shows the influence of the controls which were put into effect near the end of 1941. Up to that time the line had been very similar to that in the war of 1914-18.

The reasons and remedies for inflation are extremely complex, but some important points about it may be understood by all of us. The chief reason is to be found in a vicious circle of causes and effects which may be brought about in various ways, but which is very likely to be created during a war. When, for example, the war effort is well begun, there is likely to be, on account of the production of war goods, a decreasing

supply of food, clothing, furniture, and all kinds of other articles commonly known as consumers' goods. At the same time, there will be almost certainly an increased demand for these goods because the war effort will probably raise the level of employment. This increasing demand for, and decreasing supply of, consumers' goods will in turn cause a rise of prices and a pressure for larger issues of money by the government. As prices rise and the cost of living goes up, increased wages and incomes will be demanded; and increased wages will still further increase the demand for consumers' goods. So the vicious circle is complete, and unless it is broken the result is ruinous.

A combination of methods is needed to break the circle. First, the demand for and supply of consumers' goods can be regulated where necessary by rationing, by fixing quotas of amounts to be manufactured, and by other means. Then, prices may be controlled by price ceilings; and incomes by wage and salary ceilings, and by taxes. In addition to these controls, people must refrain from buying unneeded articles and must put all they can into savings and government loans in order to keep down the demand for consumers' goods.

To put such remedies into effect is no easy matter. It requires a tremendous amount of planning and administration by government, and even more it requires the willing co-operation of the mass of the country's citizens. Unless they have some understanding of the problem and some appreciation of their part in it, no amount of planning will be sufficient. It was to the credit of the Canadian people, as well as greatly to their advantage; that Canada was one of the most successful nations in controlling her cost of living during the Second World War. Price ceilings were put into effect in December, 1941, when prices showed signs of a rapid rise. In the period of five years until they were removed, many difficulties and adjustments had to be faced, but in general the cost of living was held steady and serious inflation prevented.

Paying our way as citizens in a democracy is thus much more than merely contributing to the expenses of government. It

is a means of contributing to the welfare and stability of the country, and it demands of every citizen some understanding of the purposes and plans of government. It demands also some understanding of our relations with other countries, for nothing in the future will affect the tax-payer's pocket more than the course of international affairs. Our permanent prosperity will depend in the long run on whether the world is to have peace or a succession of almost continuous wars.

CHAPTER IX

CANADIANS AS BRITISH AND WORLD CITIZENS

In 1918 the first broadcasts from a Canadian station were sent out from Montreal. How many heard them we do not know—probably very few, since scarcely anyone was interested as yet in this new plaything, radio. Fourteen years later in 1932, King George V made his first Christmas broadcast which circled the world. Today we can hear voices from Britain, Australia, New Zealand, South Africa, India, Canada, and the islands of the Seven Seas joining together almost as if they were carrying on a conversation in a single room. And now we are adding to radio the wonder of television.

The world has shrunk into one neighbourhood, and is still shrinking. Europe and Asia are already closer to us than was the next province to our fathers a century ago. For good or ill the peoples of the world are being crowded together. Will they become a true community? Or will they become merely groups of warring nations flying at one another's throats in every generation? That is the most important question which the peoples of the world are being forced to ask themselves in this twentieth century.

Canada's New Position. How have these world changes affected Canada? They have brought her into the centre of world affairs in a way that no Canadian could have imagined a few years ago. Canada looks West as well as East, North as well as South. Across the Pacific she faces the unpredictable changes which are stirring the Orient. With their resources and their hundreds of millions of people, China, India, and the islands of the Pacific will become a vast force in the world of the future. But Canada looks also to the North. For over three hundred years men like Frobisher, Hudson, and Sir John Franklin struggled painfully foot by foot into the Arctic. Now



(Foreign Policy Association)

WORLD AIR DISTANCES

Routes shown on this map include possible services over the shortest distances. The distances given below are for routes shown on the map, and are approximate; where there are several routes between two points the distance for the shortest is given. All distances are in statute miles.

New York-London	3,400	Vancouver-London	4,800
New York-Moscow	4,600	Montreal-London	3,200
New York-Mexico City	2,100	London-Moscow	1,600
New York-Rio de Janeiro	5,300	London-Cairo	2,200
San Francisco-Auckland	6,800	London-Cape Town	7,000
San Francisco-Manila	8,000	London-Karachi	4,000
Chicago-Singapore	10,000	London-Darwin	9,000
Chicago-Calcutta	8,000	Moscow-Karachi	2,600
Vancouver-Sydney	7,800	Moscow-Chungking	3,700

the airways of tomorrow are being mapped over this roof of the world, and Canada shares with Russia no less than three-quarters of the Arctic's coastline.

Canada thus lies literally at one of the main crossroads of the new world which is emerging before our eyes. She is a next door neighbour to Britain, the United States, and Russia, and she is the only nation in the world so close to all three of these Great Powers. To Britain and the United States she has been intimately related for over one hundred and fifty years; with Russia she is bound to have many close contacts in the future. Both geography and history have thus placed Canada in a strategic position. It is a position which may become one of the greatest danger and difficulty if the world of the future is further divided into hostile camps. But if the nations of the world can learn to live together, it is a position of opportunity and influence. A world based on international co-operation is, therefore, a necessity for Canada. If she does not do her utmost to help in its creation she is blind to her own interest and responsibility.

To understand her position let us look first at her relations within the Commonwealth of Nations and then at her relations with the other nations of the world.

Canada and the Commonwealth. To people of other countries the Commonwealth cannot but seem a strange organization. Its members are scattered and separated by thousands of miles—Australia and New Zealand in the South Pacific, Canada in the northern half of North America, South Africa at the southern tip of Africa, India, Pakistan and Ceylon in southern Asia, and Great Britain just off the north-west corner of Europe. Each has its own interests and problems, and yet they have held together under the greatest stress. In 1940 with Europe prostrate they stood alone for a year facing the combined power of Germany and Italy which seemed on the point of a sweeping triumph.

What, then, is the Commonwealth? It is, first of all, an association of self-governing states owing allegiance to the same

Queen. This arrangement, which seems remarkable on the face of it, came about by a natural historical development during and after the First World War of 1914-18. During that bitter struggle Canada, Australia, New Zealand, and South Africa grew quickly in strength and responsibility. They had, of course, been growing toward nationhood within the Empire before that time. They had taken over complete control of their internal affairs; they had begun to carry on their own negotiations with other countries in such matters as trade; and they had also begun to take some responsibility for their own defence. During the war, however, the situation changed rapidly. The Commonwealth organized armies, sent large forces overseas, and contributed to the Allied war effort more than many of the smaller countries which were recognized as independent states. During the war also an Imperial War Cabinet was formed in which the Commonwealth premiers sat on equal terms with their colleagues from Britain, and in 1917 at an Imperial Conference a resolution was passed stating that the Dominions should be recognized as "autonomous nations of an imperial commonwealth."

At the Peace Conference in 1919, the Dominions urged, therefore, that each should have its own representation and sign the peace treaty in its own right. Great Britain supported these requests, which were finally agreed to, and the Dominions were also given their own representation in the League of Nations. This was a much more remarkable fact than was commonly realized, since there was no precedent for such an association of self-governing states, held together not by treaty but by a common allegiance and a spirit of co-operation. The Commonwealth was clearly emerging within the Empire, and in the Imperial Conference of 1926 this new relation was described in a statement which is sometimes called the Declaration of Equality. Great Britain and the Dominions, it said, "are autonomous Communities within the British Empire, equal in status, in no way subordinate one to another in any aspect of their domestic or internal affairs, though united by a common allegiance to the Crown, and freely associated as members of

the British Commonwealth of Nations." A final step came in 1931 when the Statute of Westminster was passed by the British Parliament. It declared that no law of the British Parliament should apply to any Commonwealth member, unless that member so desired and also that no Dominion law should be declared void on the ground that it was contrary to a law of the British Parliament. At Canada's request two special points with regard to Canada were stated: (1) amendments to the British North America Act were still to be made by the British Parliament, which would act, however, only at the request of the Canadian government, and (2) legal cases involving the interpretation of the British North America Act could still be appealed to the Judicial Committee of the Privy Council. These limitations were to be removed whenever Canada wished.

In the Second World War from 1939 to 1945, other parts of the Commonwealth came of age. India, which had been for nearly one hundred years "the brightest jewel of the British Crown" was divided, at the wish of its people, into two parts, India and Pakistan, and in 1948 each part became an independent member of the Commonwealth. Ceylon, too, an island at the southern tip of India, emerged into full sovereign status as one of the Commonwealth nations. During the same post-war years, the free nature of the Commonwealth was shown when Burma decided to leave it, and go its own way, without any of the others trying to prevent it, and Eire did the same. Far from there being any ill-feeling, citizens of the former Commonwealth countries receive special consideration when travelling within the Commonwealth.

Then, in 1949, Canada decided to do away with the two special points which she had asked be included in the Statute of Westminster. The Canadian Parliament can now amend the clauses of the British North America Act which apply to the whole country, and by agreement with the Provinces, the clauses which affect Provincial rights. Appeals of legal cases to the Judicial Committee of the Privy Council were also abolished.

Has the Commonwealth now reached its final growth? To make prophecies would be rash indeed, but certainly there are possibilities of a still further remarkable development. Scattered throughout the world are British colonies and dependencies in all stages of political advancement from the most primitive tribes to areas which, like Rhodesia, are on the threshold of complete self-government. These areas must be brought along the road to maturity as rapidly as possible. The Commonwealth and Empire are, in fact, a laboratory of self-government and must continue to be so. Under the British flag in all parts of the world, there are over fifty elected assemblies and parliaments ranging in power and size from little assemblies like that of the Bahama Islands to the parliaments in Ottawa and London. No other empire, ancient or modern, has ever made so many experiments in free government, and no other method of developing self-government in dependent areas has ever been so successful as that of extending representative and responsible government step by step.

This is a fact of the greatest importance in international affairs, because one of the most difficult of all world problems is that of developing free governments wherever possible. Unless democracy and free government can expand and spread they cannot survive. In recent years there has been much criticism in democratic countries of the old imperialism. All too often it meant governing dependent areas not in the interest of their people, but for what could be got out of them. In the history of the British Empire, good as it is in comparison with that of others, examples of this spirit may be found. But the old imperialism cannot be replaced by nothing. It must, therefore, be changed by a determination to promote prosperity and self-government in dependent areas to the fullest possible extent. Signs are not lacking that this is the aim of British policy.* By following it the British Common-

* One of the most interesting examples of the attempt to develop dependent areas is provided by the West Indies, where the British and United States governments together worked out plans for economic and cultural advancement. A comprehensive plan for federation of the British West Indies is being worked out.

wealth can make one of its greatest contributions to the strengthening of democratic government and world peace.

Canadians have as yet had little to do with the problem of imperialism, but in future they may have much more influence and perhaps even responsibility with regard to it. Close to Canada there are dependent areas, such as Greenland, whose future is a matter of great importance to Canadians. The problem of dependent areas and imperialism is one which Canadians cannot afford to ignore. They should attempt to understand it, and their own history should help them to make some contribution toward its solution.

The Ties which Hold the Commonwealth Together. With some understanding of what the Commonwealth is, we can see more clearly what are the ties holding it together.

(1) First there is the common allegiance to the Crown. The Queen, though she has no political power, has a position of unique and tremendous importance. To millions of people throughout the world she is the living symbol of the unity of the Commonwealth, and on great occasions such as the coronation, the visits to the Commonwealth countries, and the world wide broadcasts, she represents the whole Commonwealth as no one else could. To quote the declaration of the Commonwealth Prime Ministers at a conference held in London in April, 1949: "Our . . . countries are united as members of the Commonwealth of Nations, and owe a common allegiance to the Crown, which is also the symbol of their free association. . . ." The value of the Crown as a symbol of the ties of friendship and co-operation which hold the Commonwealth together was shown by the visit of the present Queen, as Princess Elizabeth, with her husband, the Duke of Edinburgh, to Canada in 1951.

The Governor-General is the Queen's representative in each Dominion. Since the passing of the Statute of Westminster he is no longer an official of the British government as in the colonial period, but the personal representative of

the Queen who appoints him after consultation with the Dominion government.

(2) Economic and other interests, which members of the Commonwealth have in common, are a second tie. During more than a century, for instance, Great Britain was Canada's best customer. What the position with regard to trade will be in the future it is hard to say, but all the members of the Commonwealth want an expanding world trade. In the period following the Second World War, Canada's relation to Great Britain in trade changed very sharply. Britain found herself unable, as formerly, to buy freely from North America. Her income was reduced, and especially her income in dollars from Canada and the United States. In fighting the war and buying war materials, she had, for instance, used up her enormous investments in North America, the interest on which had previously helped her buy North American goods. She was thus short of Canadian and American dollars, and had to limit her purchases severely. Such developments tended to weaken the economic ties in the Commonwealth, even though trade between Commonwealth countries still remained important.

Other ties, however, increased in importance in the post-war period. As international difficulties increased after 1945 with the rise of two super-powers, the U.S.S.R. and the U.S.A., far stronger than others, there was a tendency for the Commonwealth nations to draw more closely together, in the hope that they might find ways of co-operating. An important encouragement in this direction was that the United States began to realize that the Commonwealth was a source of strength to the democratic world, and the attitude in the United States toward the Commonwealth, which had often been one of hostility, became much more friendly. This was of the greatest importance to Canada who wished to keep both her ties with the Commonwealth and her friendship with the United States.

Another development which strengthened the Commonwealth was that when India, Pakistan, and Ceylon gained their independence from British rule in 1947 and 1948, they chose to remain as nations within the Commonwealth. This was a

remarkable demonstration of the meaning of liberty within the Commonwealth, and it meant a great deal in many ways, since the Commonwealth was transformed from an association of nations of European descent to one of far wider scope and influence.



PRIME MINISTERS OF THE COMMONWEALTH AT THE
CONFERENCE OF MAY, 1944

Mr. Winston Churchill appends his signature, watched by General Smuts, Mr. Mackenzie King, Mr. John Curtin, and Mr. Peter Fraser, at the final meeting at 10 Downing Street.

(3) A third tie is the continuous consultation which goes on among the members of the Commonwealth. The means for this are of various kinds. Attracting most public attention are the Commonwealth Conferences, held from time to time, in which the Prime Ministers of the Commonwealth meet to discuss important matters of policy. More important, however, is the continuous consultation through other channels. The members of the Commonwealth have High Commissioners in each other's capitals who are constantly in touch

with the governments where they are stationed. In Ottawa this continuous consultation goes on through the Department of External Affairs, in London through the Commonwealth Relations Office at the head of which is a Cabinet Minister. In addition to these contacts the Prime Ministers may communicate directly with each other on important matters, and during the war and post-war period there has also been a stream of important officials, cabinet ministers, and special missions going back and forth.

For the first time in history nations scattered throughout the world may keep in daily touch with each other through the telephone, telegraph, and aeroplane. Distance, one of the great problems of the old British Empire, has been almost eliminated, and this opens up possibilities for consultation and co-operation which were out of the question even a few years ago.

(4) Finally, there is the common interest in preserving free government. This is the most intangible, but at bottom the strongest, tie of all. In our modern world free government has been in deadly peril, and throughout the Commonwealth and Empire men of all races, colours, and creeds have realized it. This is the bond which more than any other has held them together. If this is so, and surely it is, the Commonwealth must continue to be a bulwark of free government. It must promote the principle of free government everywhere within its vast borders, and it must stand for those principles in helping to build a new world organization based on co-operation and mutual respect among nations great and small. The Commonwealth is itself a kind of international system of a unique type. It can be made a powerful instrument in creating a wider internationalism, and its members must find ways, by working together, to work for an effective international system throughout the world.

The Canadian Citizenship Act. Another step in the growth of Canada as a member of the world community was taken in the Canadian Citizenship Act in 1947. For the first time our naturalization statute states that Canadians are both Canadian

citizens and British subjects. Before the Act was passed, Canadian passports did not carry the words "Canadian Citizen", and Canadians were recognized only as British subjects.

Now, anyone born in Canada, or any British subject who was not born here, but has lived here for five years, or any citizen of a non-Commonwealth country who has been naturalized by the simple, dignified ceremony in a court-room, may enjoy the privileges of full citizenship in Canada. Before the Act, too, women automatically took the nationality of their husbands. Now a Canadian woman who marries a citizen of another country may keep her Canadian citizenship if she wishes, and a non-Canadian woman who marries a Canadian need not become a Canadian citizen if she does not want to.

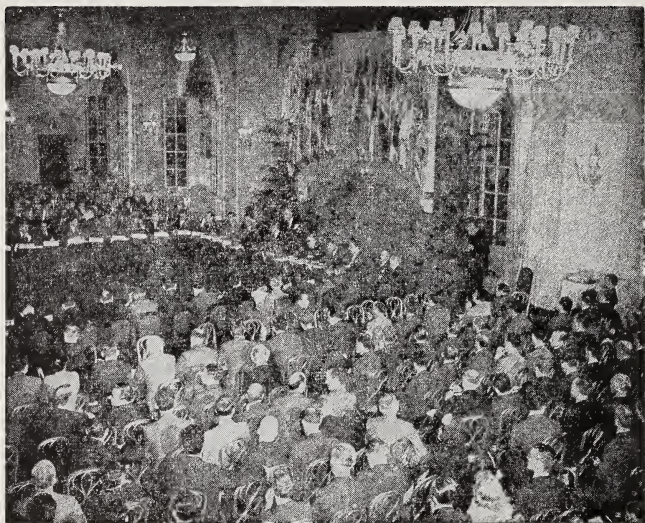
Thus, Canada like other nations is able to protect her citizens travelling abroad by giving them passports which will assure them safe conduct in any peaceful country, as long as they recognize its laws. The Act of 1947 means, also, that Canadians have the double advantage not only of possessing their special citizenship in Canada, but of being recognized as British subjects in all other Commonwealth countries and throughout the world.

Canada's Relations with the United States. Among Canada's relations with other nations those with the United States have always had special importance, and never more so than today. The most famous illustration of these relations is the unguarded frontier which stretches between the two countries for over three thousand miles. But there are many other examples which might be cited. The trade between the two countries is enormous. Canada usually buys more from the United States than she sells, but the United States buys more from Canada than from any other country and usually more than she buys from all the South American countries combined. The movement of people and the investment of capital back and forth across the border have been unequalled anywhere in the world.

No two countries have had a more intimate relation, but it has been by no means always friendly. Following the War of 1812, the Rush-Bagot Agreement of 1817 prohibited the arming of vessels on the Great Lakes, and this act of statesmanship between Great Britain and the United States was later followed by disarmament along the border and peace which has now lasted over a century and a quarter. Through the rest of the nineteenth century, however, there were frequent disputes and even threats of war. Not until the present century did a spirit of greater friendship and understanding definitely show itself. The establishment in 1910 of the International Joint Commission, a permanent Board to settle disputes arising over boundary waters and other matters which might be referred to it, was a great step in advance. The record of the Commission for forty years in settling disputes and investigating difficult problems is a remarkable one and well worth studying. It has attracted attention in many countries.

With the outbreak of war in 1939, and especially with the fall of France in 1940, a new situation was created in the relations of Canada and the United States. Suddenly the invasion of North America became a possibility. Some decisive step was necessary, and the result was the Ogdensburg Agreement of August, 1940, creating a Permanent Joint Board of Defence to plan for the common defence of both countries. For the first time the United States had made a permanent military agreement with a member of the Commonwealth, and Canada soon found herself carrying on her war effort in the closest relation with both Great Britain and the United States. After Pearl Harbor, when the United States entered the war in December, 1941, this situation developed far more rapidly. Arrangements were made for joint planning and control of all kinds, and Canada became, more than she had ever been, one of the most important links in the relations of the United States and the Commonwealth. The results of joint planning were remarkable. Only some of the most spectacular of these efforts, such as the building of the Alaska Highway and the northern airfields, became widely known to the public, but it

is safe to say that without them the war could never have been won. In all these matters Canada has played her full part. She wisely arranged, for instance, that she would compensate the United States for work done on the northern airfields so that her right of control within her own territory would be unquestioned.



THE UNRRA COUNCIL MEETING IN MONTREAL
SEPTEMBER 16, 1944

The delegates of the forty-six nations, which were represented, were seated at the tables arranged in the form of a rectangle. Those in the foreground and background are representatives of the press and other observers and visitors.

These intimate and unique relations, which we have been able merely to suggest, are of the greatest importance not only to Canada and the United States but to the whole Commonwealth and even to the world. Co-operation between the United States and Great Britain is essential to Canada but it

is no less essential to world peace. Canada is not literally an interpreter between Great Britain and the United States, as she has often been called, but she has many times exerted a powerful influence in British-American affairs.

In the years following the Second World War, this has continued to be the case. In 1948, for example, Canada became linked with Britain, the United States, and nine nations of Western Europe in the North Atlantic Treaty Organization, a regional defence group to meet the threat of international communism. Canada is not only a member of NATO, but she was one of the leading influences in forming this organization, which joins in co-operation the democratic countries of the North Atlantic region, both European and American. It has often been said that Canada rose during the war years to the status of a "Middle Power", and as such she has found that she has a role to play, independent of Britain and the United States, but co-operating and closely associated with them both. This is not a new role for Canada, nor is it easy, but it is an important one, and in playing it Canada can rest assured that she is making a unique contribution not only to her own welfare, but to the cause of international co-operation and world peace.

Canada and World Organization. Can world peace and prosperity be achieved? Since the end of the Second World War in 1945, the record of world affairs has been one of a continual struggle to achieve these great aims. The war left millions of people homeless, cities ruined, vast areas torn and ravaged, and many nations weakened and almost helpless before the enormous problems of reconstruction which faced them. Long-established countries like Britain and France, Greece and Norway, were hardly better situated than the newly independent states which emerged after the war's end: India, Pakistan, Burma, Indonesia, Ceylon, the Philippines, and Israel.

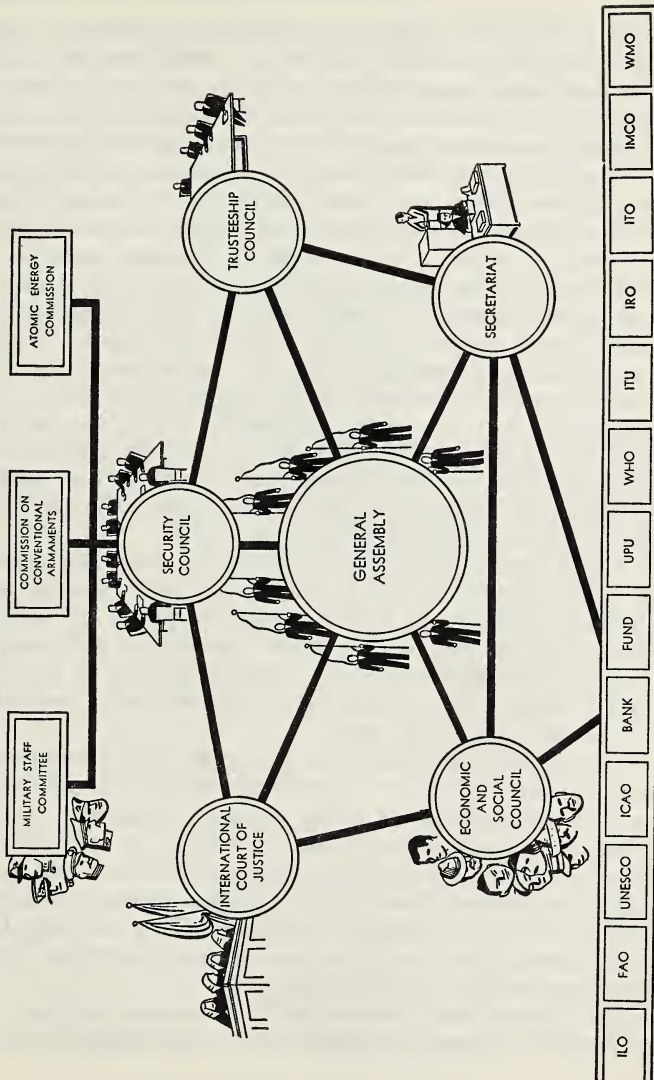
It was to meet these tremendous post-war problems, and also to provide a means by which the peoples of the world could

work for peace and security in the future, that the victorious nations joined together at San Francisco in 1945 to form the United Nations. Out of this famous conference came the United Nations Charter with its plan for a new world organization. That plan was still only on paper, and there was no guarantee that it would succeed, but it did outline machinery which the nations of the world could use if they were really determined to avoid disaster and the destruction of civilization through war. Moreover, it provided for Specialized Agencies through which, it was hoped, the United Nations could help bridge the gap between war and peace, bring plenty where there was famine, and eventually replace war altogether as a means of international settlement. The new world organization carried with it the hope of millions who were left hopeless, homeless, and starving by the scourge of war, and of millions in backward areas whose lot has always been one of misery.

The U.N. was charged too with bringing the principles of peace, order, and democratic government to the international scene. It was recognized that all nations must take their part in winning these ends, for peace is indivisible—war in any part of the world threatens every other part, and no nation can hope to remain isolated or to avoid its responsibilities in the world's struggle for peace and prosperity. It is to the credit of the Canadian people that they realized this fact. Canada has no ambitions to rule or conquer other people. Her tradition is one of peace, and she is dependent for her prosperity on her trade and friendly dealings with other countries. Since its beginning, therefore, the United Nations has received Canada's strong support. Canada has taken a prominent part in many of its activities, and Canadians have been appointed to some of its most important agencies.

Structure of the United Nations. The central body of the United Nations is the General Assembly in which sit the delegates of the sixty member states. The Assembly has the right to give final opinions on many matters, and advisory opinions on others which come before it. Each member state has one

Simplified reproduction of chart taken from YEAR BOOK OF THE UNITED NATIONS, 1947-8, published Sept., 1949, by the Department of Public Information of the United Nations.



STRUCTURE OF THE UNITED NATIONS

Specialized Agencies

vote; decisions on important questions are made by a two-thirds majority, on other matters by a simple majority. The five other main organs of the United Nations are: the Security Council, the Economic and Social Council, the Trusteeship Council, the International Court of Justice, and the Secretariat.

The Security Council has five permanent members: the U.S.A., the U.S.S.R., the United Kingdom, France, and China. Each permanent member has a "veto", which means that it can prevent the passage of any motion if it wishes to do so. In addition, six other members are elected for two-year terms by the General Assembly. Canada was a member from 1948 to 1950. In the words of the U.N. Charter, the Security Council has "primary responsibility for the maintenance of international peace and security." The frequent use of the veto by Russia, however, has made it impossible during the post-war years for the Security Council to act decisively in critical times, with the result that the General Assembly has shown signs of extending its authority so that it may deal effectively with crises like that which arose in Korea in 1950.

The Economic and Social Council deals with such matters as human rights, economic, cultural and health matters, and strives to promote the U.N. principles of justice in all these fields. It has eighteen members, elected by the General Assembly for three-year terms. Canada was one of the first nations elected to the Economic and Social Council and took a prominent part in its work.

The Trusteeship Council has charge of administering territories placed under U.N. supervision, with the exception of so-called "Strategic Trust Areas" which are under the Security Council. The areas placed under the U.N. are called Trust Territories and include former League of Nations mandates, and colonies taken from Italy and Japan during the Second World War. Each territory is administered by a U.N. member, which must report each year on the progress of the Trust Territory towards self-government.

The International Court of Justice is the main judicial body of the U.N. It was in existence as a World Court for many

years before the organization of the U.N. itself, but the new Statute of the Court has connected it with the U.N. All countries which have signed the Statute can bring to it any international dispute they wish. The General Assembly or the Security Council can also ask the Court for an advisory opinion on any question of international law. The Court has no compulsory jurisdiction unless all the parties to a dispute agree to abide by its decision, nor has it any jurisdiction over the domestic affairs of any nation.

The Secretariat is really the civil service of the U.N. It is headed by the Secretary-General, who is an official appointed by the member-nations. The Secretariat carries on the administrative work of the U.N.'s various bodies, and draws its staff from all the member-nations of the U.N.

Achievements of the United Nations. So great was the hope placed in the U.N. by the war-weary world of 1945 that as the nations drifted apart in the post-war years, and the menace of another more devastating conflict developed, many people began to denounce the U.N. as feeble and useless. Admittedly the U.N. has been unable to close the rift between the communist and non-communist states, but who can tell how much its existence has done to prevent the rift from widening until all civilization plunged into the abyss of atomic warfare? That danger has not passed, it is true. But to realize what the U.N. has accomplished we have only to ask what would be the state of the world had there not been some such agency for international action and discussion.

Let us look at some of the world crises that have threatened the peace since the U.N. was formed: Palestine, Indonesia, Greece, Berlin. In each of these, some involving great powers, some civil wars, some both, the U.N. has succeeded in restoring the previous uneasy peace, and in resolving the immediate crisis. In 1950, an emergency more desperate than any of these arose in Korea. It involved the direct clash of ideologies, communist and non-communist, backed by the two super-powers, Russia and the United States. The aggression of North Korea

against South Korea demanded immediate action by the U.N. Led by the United States, sixteen member-nations, including Canada and several other Commonwealth countries, sent armed forces to Korea to drive out the aggressor troops. Despite the opposition of the communist states to this move the ability of the U.N. to take decisive action was strikingly shown. For the first time an international organization had determined to stand against aggression and resist a threat to world peace. War under the U.N. flag was not intended to humble or reduce one nation for the advantage of another. It was directed against the aggression alone. The old League of Nations never brought itself to such determined action, and in the final test it disappeared. The U.N. proved in the Korean crisis to be of stronger stuff.

The Specialized Agencies. The sphere of international politics is not the only one in which peace can be won. The Specialized Agencies, WHO, UNESCO, FAO, and others, work quietly in the background, broadening and strengthening the foundations of world understanding. They strive to remove the areas of ignorance and want that threaten peace as surely as do guns in the hands of enemies.

WHO stands for World Health Organization. It combats disease by introducing modern medical methods into backward areas, and by plotting the spread or disappearance of epidemics, to name only two activities. The United Nations Educational, Scientific, and Cultural Organization—UNESCO—has undertaken the enormous task of spreading knowledge and mutual understanding among the nations. Literacy campaigns are conducted in places in which few have ever been able to read or write; books are translated from one language into several others and the exchange of ideas by every means of communication is encouraged. Working in the same way as WHO and UNESCO, FAO, the Food and Agriculture Organization tries to bring scientific farming methods to all parts of the world, to relieve famine, and to bring new areas under cultivation. Each of these Specialized Agencies, and others:

ILO, the International Labour Office, which studies labour standards and working conditions throughout the world; UPU, the Universal Postal Union; ICAO, the International Civil Aviation Organization; the International Bank—sixteen in all, may accomplish more in the long run for the preservation of peace, than the more spectacular efforts at international settlement.

Canada and the Future of the World. Canada is an influential member of the world of nations, among whom today the main concern is peace, and Canadians sincerely wish to make their contribution to peace and international friendship in the true sense of the words. After two World Wars people are at last realizing that they do not live alone, that the welfare of every nation and every individual depends upon that of every other nation and individual. Throughout the world there are multitudes of people living in misery and threatened with starvation. Canada, as a favoured nation, thus has a part to play not only in defending herself, but in helping to raise the standard of living for less privileged peoples everywhere. Through the United Nations and through such means as the Commonwealth's Colombo Plan, Canada can not only give direct aid where it is needed; but, even more important, can assist people to help themselves. In doing this Canadians will be working for peace in perhaps the most effective way possible.

One thing more remains, however, and this is essential. Unless Canadians inform themselves of what the United Nations is doing and trying to do, and unless they understand what can and cannot be expected of it, they will not truly be playing their part in supporting it. By giving such support Canadians will not only make a direct contribution to their own welfare, they will also be contributing to the most remarkable experiment in international organization ever attempted. So Canadians can carry their good citizenship beyond the borders of their own country and out into the world at large.

QUESTIONS

CHAPTER I

What definition of democracy is, in your opinion, the most satisfactory?

CHAPTER II

How many kinds of voluntary associations can you think of in your community?

What opportunities for adult education are available in your community?

What is the meaning of the word propaganda? Is all propaganda bad?

CHAPTER III

What is the difference between dissolving and proroguing Parliament?

Can you give an example of a Private Member's Bill?

Can you give an example of a successful coalition?

CHAPTER IV

What do you think of the present qualifications for voting? Do you think, for instance, that the minimum voting age should be less than twenty-one? Compulsory voting—What would be the advantages and disadvantages of a law compelling citizens to vote?

What is a Public Opinion Poll, and how is it obtained?

CHAPTER V

What are the chief arguments for and against the "reform" of the Canadian Senate?

What method of amending the British North America Act do you favour?

What is the origin of the name Hansard?

CHAPTER VI

How is a jury chosen at the time of a trial?

What is bail, and when can bail be refused?

What conditions in your community encourage (a) respect for law; (b) breaking of the law?

In regard to healthful recreational facilities, would you class your community as excellent, good, fair, or poor?

CHAPTER VII

Do you consider that the interest in municipal government in your community is excellent, good, fair, or poor?

Has your community any outstanding example of community enterprise?

Does your community show any interest in its own history?

CHAPTER VIII

How many types of taxes can you name? Which type do you consider most satisfactory?

Can you give some extreme examples of inflation?

CHAPTER IX

Why is an effective world order of special importance to Canada?

Do you consider that Canada is giving satisfactory support to the United Nations?

Do you consider that the western democracies are doing all they can to bring democracy to backward areas?

SUPPLEMENT FOR BRITISH COLUMBIA

SUPPLEMENT

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Prepared for use in British Columbia by Godfrey L. Hearn

Provincial Government. The Provincial Government of British Columbia is very similar to that of the other provinces. Vancouver Island was made a Crown Colony in 1849, and the mainland the Colony of British Columbia in 1858. The two Colonies united with Victoria as the capital in 1866, and joined Confederation as a Province in 1871.

British Columbia has a parliamentary form of government, headed by the Lieutenant-Governor, the Queen's representative. The Legislative Assembly has 48 members, and the Cabinet, which is called the Executive Council and is led by the Premier, is chosen from the majority party in the Assembly. In 1951 there were eleven members of the Executive Council:

Premier and President of the Executive Council.

Provincial Secretary and Minister of Education.

Attorney-General.

Minister of Lands and Forests.

Minister of Finance.

Minister of Agriculture.

Minister of Mines and Minister of Municipal Affairs.

Minister of Public Works.

Minister of Railways, Minister of Trade and Industry, and Minister of Fisheries.

Minister of Labour.

Minister of Health and Welfare.

The Members of the Legislative Assembly (called M.L.A.'s) are, since 1951, elected by a system known as the single transferable vote. National elections are decided by straight majority vote, whereby the candidate who receives the greatest number of votes is declared elected, even if he has less than 50 per cent of the total votes cast. If this is the case, he is said to have not a majority, but a plurality. Such a situation arises, however, only when there are more than two candidates running for office, but since there are often more than two, many people feel that a legislature elected by pluralities alone would amount actually to a minority government. The single transferable vote is supposed to prevent this happening. By it, the voter marks the ballot paper to indicate his first, second and third choices from among the candidates. Then, when the votes are counted, the candidate with the smallest number of first choices is dropped, and the second choices on his ballots are distributed to the candidates to whom they belong. Thus, one of the remaining candidates will receive a majority of votes. One of the main objections to this system is that it is inclined to favour the centre party of three, since voters for the two others—to right and left—would be most likely to pick candidates of the centre party as their second choice. It remains a moot point as to whether such a system is any worse or better than the "first past the post" system previously in force.

To vote in B. C. elections, you must be a British subject at least 21 years of age, resident in Canada for twelve months and in B.C. for six months, and resident in the electoral district in which you seek to register as a voter. Certain people may not vote: those guilty of Bribery and Personation under the Elections Act; those convicted of treason or other serious offence, unless they have been pardoned or have served their sentence; Doukhobors, except those who have served in the armed forces and their families; those who cannot speak English or French.

A candidate for the Legislative Assembly must be: qualified to vote, and a registered voter, resident in the Province for twelve months. His nomination papers in electoral districts

with fewer than 10,000 voters must be signed by 25 people; with more than 10,000, by 50. He does not have to pay a deposit.

Provincial Judiciary. The courts of British Columbia are organized as follows:

Court of Appeal:—The Court of Appeal consists of the Chief Justice of British Columbia, and four Justices of Appeal. All are appointed by the Federal Government. The Court hears all appeals from the decisions of lower courts.

Supreme Court:—This Court consists of the Chief Justice of the Supreme Court and five Judges of the Supreme Court. These, too, are appointed by the Federal Government. The Court has unlimited jurisdiction in civil and criminal matters throughout British Columbia.

County Courts:—There are eight counties, each with a County Court and one or more judges for each. All are appointed by the Federal Government. These Courts have jurisdiction in matters up to \$1000 in value, and in some cases up to \$2500, and in criminal and probate matters. They have no jurisdiction in types of personal actions such as libel, slander and breach of promise of marriage.

Small Debts Courts:—There are 97 Small Debts Court magistrates, appointed by the Provincial Government, each with jurisdiction up to \$100. Appeal from these Courts is to the nearest County Court or Supreme Court Judge.

Magistrates and Justices of the Peace:—These are appointed by the Provincial Government. They have limited civil and criminal jurisdiction.

Municipal Government. The Provincial Government creates and controls the municipal governments of the Province. It determines their nature and powers, and they owe their existence to it.

British Columbia has an area of over 366,000 square miles, and a population of a little more than one million, concentrated mainly in the south-western corner of the Province. Consequently there are vast areas in the northern and central

regions which are almost empty. Only one half of one per cent of the area of the Province is organized into municipalities, yet 78 per cent of the population lives in organized areas. In the sparsely populated unorganized territories the Provincial Government rules directly, providing the necessary minimum of local services.

The organized municipalities fall into three groups: cities, districts, and villages, all of which are set up by the Provincial government to conduct local affairs along the democratic lines that have long been followed in Britain, the United States and the rest of Canada. The first municipality to be incorporated in B.C. was the City of New Westminster in 1860, followed by Victoria in 1862. Although the Provincial Legislature passed a number of Acts setting out procedure for creating municipalities, a more or less haphazard development followed as more people came to B.C., and the country was opened to settlement. A great many small places were incorporated as cities, until, in 1920 the Legislature created the term "village" as being more suitable for a settlement of 500 people than "city". Even so, in 1949 the City of Slocan had a population of only 475, although the Village of Dawson Creek had 4,000. The present definitions of the three types of municipalities are as follows (Vancouver is an exception):

Cities (of which there were 34 in 1949) must have 100 adult males in an area not over 2,000 acres.

Districts (27 in 1949) must have 30 adult males in an area not limited by the Act.

Villages (39 in 1949) may be unlimited in population and area.

It is natural that in the early days the people of the small settlements should have been in a hurry to incorporate, so that they might enjoy the benefits of local self-government. But today when a much heavier burden falls on the local government, people are less anxious to commit themselves to the prestige of incorporating as a city, and are far more likely to be content with a village. The growth of B.C. in the past few

years is reflected in the fact that more than twenty villages have been incorporated since 1940, although there have been no new cities or districts added.

Structure of Municipalities. When a municipality incorporates it becomes a "legal person". That is, it becomes a unit separate, for legal purposes, from the people who live in it. It can sue or be sued in the courts, make contracts, and be liable for any wrongdoing, all in its own name. The inhabitants cannot be punished for its actions. In the same way, when a municipality borrows money, the people living in it cannot each be made to repay a share.

But the municipality, although in the eyes of the law it may be a person, must, like any other unit of society, be guided by the people who live there. In British Columbia, cities are run by a mayor and five to ten aldermen, with a city clerk as the head appointed official—the head of the city's "civil service". Districts elect a reeve and four to seven councillors to carry on their affairs, and villagers elect a board of three commissioners. Victoria has voted to install a city manager to help carry on civic affairs.

The term of office of a mayor or reeve, alderman or councillor, is two years. In villages the procedure of election is different. In the first election after incorporation as a village, the candidate with the highest number of votes takes office for a three-year term, the second highest for a two-year term, and the third highest for one year. After that, one commissioner is elected each year for a full three year term.

Municipal elections in B.C. are held in December, although the preliminaries—nominations, preparation of voters' lists, and so on—begin on the last day of October. The voters' list includes the names of all those qualified to vote in the municipality. In order to qualify as a voter, a person must be: at least twenty-one years of age; a British subject; a landowner in the municipality; or a householder in the municipality; or a holder of a trade licence, or a partner in a firm holding a trade licence in the municipality. Chinese, Japanese and

Indians are not allowed to vote in municipal elections. Corporations which own property in the municipality may vote through an authorized agent. In districts, no homesteader or pre-emptor of land may vote unless he has made at least \$200 worth of improvements.

When the voters' list is complete it is posted in conspicuous places, so that people may see whether their names are included. A Court of Revision sits five days after the posting to hear complaints or appeals against the list.

Candidates are then nominated, and elections held by secret ballot. Elections for such positions as school trustee or police commissioner may be held at the same time as those for mayor or reeve or alderman or councillor. A referendum may be called also, or the voters may be required to pass on some money by-law. All these matters may be decided on the same day. If by any chance the result of an election should be a draw between two candidates, the Returning Officer, who has charge of the election machinery, may cast a vote to break the deadlock.

Years ago, local elections were very hotly fought affairs. The candidates and their supporters carried banners, wore cockades, treated voters to food and drink, and usually ended by fighting pitched battles with the opponents. Of course, corruption was rife. All this has been forbidden by law, and the result has been the generally honest, though colourless procedures of today. If a candidate can show good cause to the county court judge, he may have the ballots recounted, to make sure that there has been no mistake.

Once elected to office, a mayor or reeve in a municipality with a population of less than 20,000 is paid \$2,000 a year, and an alderman or councillor may be paid up to \$500.

Meetings of the municipal council are ordinarily open to the public, although special sessions may be held which are not open. In the same way the minutes of council meetings are ordinarily open for inspection to the public. The municipality may make a charge of twenty-five cents for each extract made from the minutes, but often does not. The council, like a small

parliament, finds it necessary to appoint special committees to deal with certain matters, finance or public works, for instance. It may also set up a parks board to control the municipal parks.

In every municipality the police magistrate is appointed by the Lieutenant-Governor-in-Council, that is, the Provincial Cabinet. His salary is paid by the municipality, which may, if it wishes, organize its own police force. However, most municipalities take advantage of the services of the R.C.M.P. for policing, for which the municipalities help pay the costs.

Vancouver is an exception to most of the above, as it is incorporated under its own Charter, like cities in Alberta, and not under the Municipal Act, as are all other cities and districts in B. C. Villages are incorporated under the Village Municipalities Act. In Vancouver all qualified voters and their husbands or wives elect a Mayor and eight Aldermen for two-year terms. In even years, the Mayor, four Aldermen, five School Trustees and four Park Commissioners are elected, in odd years the others. Thus a continuity of membership is preserved. The Vancouver City Council is a centralized body, exercising wide powers; the School Board and Parks Board are the only exceptions to its concentrated authority.

Powers of Municipalities. The powers of villages in B.C. are slightly less than those of cities or districts, but, in general, municipalities may make by-laws on:

Elections	Acquiring land
Revenue and Expenditure	Irrigation works
Fines and Penalties	Control of animals
Water-supply and sewerage	Buildings
Acquiring street railways and electric lighting plants	Fire Department
Operating buses outside the municipality	Health protection
Agreements with light, power and telephone companies	Food inspection
	Regulation of traffic
	Public holidays
	Fences, dykes and drains.

These and various similar matters come under municipal control. However, by-laws for raising money above and beyond ordinary needs, which is not to be repaid in the same year,

and some other by-laws must be passed by the voters by a three-fifths majority, and approved by the Inspector of Municipalities.

A person who feels that he has good reason for doing so may give notice to the council that he wants a certain by-law quashed. He must give such notice within a month of the by-law's passing. The council may then amend or repeal the by-law, but if it does not the person wishing it quashed must apply to the Supreme Court of B.C., within one month of the time when he gave notice to the council. The Supreme Court may find the by-law illegal, and quash it, but a by-law can be quashed only on grounds of illegality.

Municipal Finance. Municipalities are in a fairly difficult position financially, since the variety of services which they must perform for their residents must be paid for from very limited sources of revenue. Like the other governments in Canada during the last fifty years, local governments have found a larger and larger task of service and responsibility set them by the electorate. The simple functions of policing and repairing the roads have been multiplied, until in a large city like Vancouver, the Council's tasks form part of almost every phase of life.

Yet municipalities must still depend primarily on land taxes and taxes on improvements for the income with which to finance their projects. Land and improvements tax is expressed in terms of mills, one mill being equal to 1/1000 of one dollar. Thus a municipal council may vote a tax rate of 62 mills, meaning 6.2 cents on every dollar of assessed value. The council decides what percentage of the value of improvement it will tax, then applies the mill rate to them.

How the mill-rate works:

In Kamloops in 1949 the tax rate was 55 mills, and the percentage of improvements taxed was 50%.

If A owned land there worth \$100, and improvements on it worth \$1,000 his taxes would be computed in this way:

$$\text{Land:} \quad \frac{55}{1000} \times \$100 = \$ 5.50$$

$$\text{Improvements:} \quad \frac{55}{1000} \times \$500 = \$27.50$$

\$33.00 total tax

The rate of taxation is usually estimated to cover three purposes: General Purpose, School Purpose and Debt Purpose. The first, of course, takes in a great many functions, the second is obvious, the third is money set aside to cover interest and repayment of debts. The council estimates how much money it will need to cover these three purposes. Then, on the basis of the value of land and improvements in the municipality, it sets the mill-rate.

E.g., Kamloops, 1949:

General purpose . . .	22.852 mills
School purpose	21.892 mills
Debt purpose	10.256 mills

Total 55.000 mills

To supplement this major source, which accounts for about 70 per cent of all municipal revenue, municipalities have also some lesser sources of income. These are:

A poll tax of \$5.00 on every male over 21 and under 45 who does not pay taxes and is not in the armed forces. (Vancouver stopped collecting poll tax in 1949.)

A road tax of \$2.00

Trade and business licence fees

Dog tax

Assessments on pole lines, streetcar tracks, and similar installations.

In addition to these internal resources, municipalities receive the following grants, among others, from the Provincial Government:

- A school grant
- A welfare service grant
- A grant from automobile licence fees for the upkeep of roads (paid to municipalities in proportion to the size of their population)
- A share of the Social Security and Municipal Aid (3% sales) Tax revenue
- A direct grant to hospitals under the Hospital Insurance Plan.

Altogether, municipalities in B.C. reflect tendencies common to the whole of Canada. They are usually short of funds—some were bankrupted in the depression of the 'thirties—although, of course, some are far better off than others. A full study of Provincial-municipal relations, with special reference to finance, was made in 1946 by H. Carl Goldenburg, whose report is the most complete report of British Columbia's municipal affairs yet published. The summary given here is brief, and makes no mention, for example, of appointed municipal officers such as the treasurer, assessors, and sanitary and health inspectors. Neither are all the elected boards included. However, there remains one local administrative body which must be touched upon—the School Board.

In B.C. there are about 77 school districts, each under the control of a board of School Trustees. School districts are divided into four types:

1. Rural or Unattached School Districts (e.g., Telegraph Creek)
2. Large Rural School Districts (e.g., Williams Lake)
3. Municipality School Districts, consisting of a complete municipality (e.g., Vancouver)
4. Large Municipal School Districts, consisting of two or more municipalities, sometimes with a rural area (e.g., Victoria, Esquimalt, Oak Bay, and part of Saanich).

The school trustees in organized areas are elected in the same way as municipal officials, and the number for each school district is set by the Minister of Education. In rural areas delegates are elected who choose the trustees from among themselves; and in unattached school districts trustees are elected at an annual meeting of the residents. School boards are responsible for providing buildings, equipment, and upkeep for the schools; appointing teachers and fixing their salaries; providing transportation for students if necessary; and renting textbooks to junior and senior high schools.

Municipal Problems. British Columbia is not free of the problems that beset municipalities elsewhere. The comparatively small development of municipalities in most of British Columbia does not mean that we can avoid the difficulties that other more thickly populated parts of the country face. In Vancouver and the lower Fraser Valley, urban problems already must be dealt with. In the future a great and rapid development of British Columbia resources may be expected, and the people of the province must be prepared to face the problems of building and planning British Columbia towns.

The large metropolis presents some special problems of its own. Already some steps have been taken with the creation of an overall planning authority for the Fraser Valley, but as yet most of us still think in terms of great cities growing and spreading over the countryside inevitably, as Cobbett said of London, "like a great wen". We are inclined to forget that as a great city grows outwards, too often it dies in the centre. People wishing to live away from the city move to suburban areas, and commute to work in the city proper. The heavy commuters' traffic creates enormous problems of planning and costs enormous sums to provide for, yet, because people have left the city, its revenue from property taxes falls steeply. There is blight in the centre, and probably confusion on the fringes, as haphazard suburban building proceeds. The whole of this tendency is accelerated by the general overall move of population from country to town.

This picture of blighted and blackened industrial hearts, and fringes of patchwork shanty towns and luxury housing estates is a depressing one. But it need not be, if we remember that we are as yet not involved deeply in such a situation, and that with wisdom and foresight we can escape such a future. Industrial development need not mean confusion, and it is our duty to make sure that it does not. The higher authorities can do much, but the final responsibility devolves upon us, ourselves, in our own municipalities, where the government is closer to us than anywhere else.

Too few people take any interest in their municipal affairs, but still many complain that the individual's opinions count for nothing. It is at the municipal level that the individual can make his opinions count, and can make sure that he and his children need not live in surroundings such as are all too common in the older parts of the world. And not only can he control his physical surroundings; the political atmosphere which we call democracy can be made strong or weak in municipalities, and if it is dissipated there it will not be long before those higher up will cease to breathe it, and we shall lose the life of our society.

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